

**AMENDMENT OFFERED BY MR. CRAMER OF
NORTH DAKOTA**

**TO THE AMENDMENT IN THE NATURE OF A SUB-
STITUTE OFFERED BY MR. ROGERS OF KEN-
TUCKY**

Page 12, after line 18, insert the following:

- 1 SEC. 402. (a) DEFINITIONS.—In this section—
- 2 (1) the term “Administrator” means the Ad-
3 ministrator of the Federal Emergency Management
4 Agency; and
- 5 (2) the term “covered hazard mitigation land”
6 means land—
- 7 (A) acquired and deed restricted under sec-
8 tion 404(b) of the Robert T. Stafford Disaster
9 Relief and Emergency Assistance Act (42
10 U.S.C. 5170c(b)) before, on, or after the date
11 of enactment of this Act; and
- 12 (B) that is located—
- 13 (i) in North Dakota; and
14 (ii) in a community that—
- 15 (I) is participating in the Na-
16 tional Flood Insurance Program on
17 the date on which a State, local, or

1 tribal government submits an applica-
2 tion requesting to construct a perma-
3 nent flood risk reduction levee under
4 subsection (b); and

5 (II) certifies to the Administrator
6 and the Chief of Engineers that the
7 community will continue to participate
8 in the National Flood Insurance Pro-
9 gram.

10 (b) AUTHORITY.—Notwithstanding clause (i) or (ii)
11 of section 404(b)(2)(B) of the Robert T. Stafford Disaster
12 Relief and Emergency Assistance Act (42 U.S.C.
13 5170c(b)(2)(B)), the Administrator shall approve the con-
14 struction of a permanent flood risk reduction levee by a
15 State, local, or tribal government on covered hazard miti-
16 gation land if the Administrator and the Chief of Engi-
17 neers determine, through a process established by the Ad-
18 ministrator and Chief of Engineers and funded entirely
19 by the State, local, or tribal government seeking to con-
20 struct the proposed levee, that—

21 (1) construction of the proposed permanent
22 flood risk reduction levee would more effectively
23 mitigate against flooding risk than an open flood-
24 plain or other flood risk reduction measures;

1 (2) the proposed permanent flood risk reduction
2 levee complies with Federal, State, and local require-
3 ments, including mitigation of adverse impacts and
4 implementation of floodplain management require-
5 ments, which shall include an evaluation of whether
6 the construction, operation, and maintenance of the
7 proposed levee would continue to meet best available
8 industry standards and practices, would be the most
9 cost-effective measure to protect against the as-
10 sessed flood risk and minimizes future costs to the
11 Federal government;

12 (3) the State, local, or tribal government seek-
13 ing to construct the proposed levee has provided an
14 adequate maintenance plan that documents the pro-
15 cedures the State, local, or tribal government will
16 use to ensure that the stability, height, and overall
17 integrity of the proposed levee and the structure and
18 systems of the proposed levee are maintained, in-
19 cluding—

20 (A) specifying the maintenance activities to
21 be performed;

22 (B) specifying the frequency with which
23 maintenance activities will be performed;

1 (C) specifying the person responsible for
2 performing each maintenance activity (by name
3 or title);

4 (D) detailing the plan for financing the
5 maintenance of the levee; and

6 (E) documenting the ability of the State,
7 local, or tribal government to finance the main-
8 tenance of the levee.

9 (c) MAINTENANCE CERTIFICATION.—

10 (1) IN GENERAL.—A State, local, or tribal gov-
11 ernment that constructs a permanent flood risk re-
12 duction levee under subsection (b) shall submit to
13 the Administrator and the Chief of Engineers an an-
14 nual certification indicating whether the State, local,
15 or tribal government is in compliance with the main-
16 tenance plan provided under subsection (b)(3).

17 (2) REVIEW.—The Chief of Engineers shall re-
18 view a certification submitted under paragraph (1)
19 and determine whether the State, local, or tribal
20 government has complied with the maintenance plan.

