

110TH CONGRESS  
1ST SESSION

# H. R. 4050

To require the Administrator of the Federal Emergency Management Agency to issue guidance providing a process for consideration of the flood protections afforded by certain structures for purposes of the national flood insurance program.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 1, 2007

Ms. GIFFORDS (for herself and Mr. LATOURETTE) introduced the following bill; which was referred to the Committee on Financial Services

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## A BILL

To require the Administrator of the Federal Emergency Management Agency to issue guidance providing a process for consideration of the flood protections afforded by certain structures for purposes of the national flood insurance program.

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 “Levee-Like Structure  
5 Consideration Act of 2007”.

1 **SEC. 2. CONSIDERATION OF STRUCTURES NOT CERTIFI-**  
2 **ABLE AS LEVEES IN FLOOD INSURANCE MAP-**  
3 **PING.**

4 Not later than the expiration of the 90-day period  
5 beginning upon the date of the enactment of this Act, the  
6 Administrator of the Federal Emergency Management  
7 Agency shall issue and make effective notice or guidance  
8 providing, for purposes of determining floodplain areas  
9 and flood-risk zones under the national flood insurance  
10 program—

11 (1) a process by which a community may make  
12 a request to the Administrator for, and obtain, a de-  
13 termination of the nature and extent of any flood  
14 protection afforded by any structure or feature (in-  
15 cluding man-made and natural structures or fea-  
16 tures) that, on the applicable flood insurance rate  
17 map in effect on January 1, 2003, was recognized  
18 as having some mitigating effect on flood risk, but  
19 that does not meet the requirements, under the reg-  
20 ulations of the Administrator (44 C.F.R. 65.10, as  
21 in effect on November 1, 2007), for recognition as  
22 a levee offering protection from the base flood for  
23 purposes of such program, that—

24 (A) is similar to the procedure of the Ad-  
25 ministrator for identifying and considering pro-

1 visionally accredited levees for purposes of such  
2 program;

3 (B) provides a 24-month period that be-  
4 gins upon the making of the request during  
5 which—

6 (i) within 30 days after the com-  
7 mencement of such period, the Adminis-  
8 trator shall provisionally accredit the struc-  
9 ture or feature for which the request is  
10 made and shall issue an updated flood in-  
11 surance map for the area whose flood risk  
12 is affected by such structure or feature  
13 that indicates such provisional accredita-  
14 tion;

15 (ii) the community may compile and  
16 submit to the Administrator, at its own ex-  
17 pense, any scientific and technical informa-  
18 tion appropriate in determining the nature  
19 and extent of the flood protection afforded  
20 by the structure or feature;

21 (iii) the Administrator shall take into  
22 consideration, in revising or updating flood  
23 insurance rate maps, any scientific or tech-  
24 nical information submitted pursuant to  
25 clause (ii) by the community; and

1 (iv) the flood insurance requirements  
2 and premium rates in effect for the area  
3 whose flood risk is affected by the struc-  
4 ture or feature shall be the most recent  
5 such requirements and rates under which  
6 the flood risk mitigation effects of the  
7 structure or feature were given effect; and

8 (C) provides that the Administrator shall  
9 make a determination regarding the request  
10 upon the expiration of such period; and

11 (2) that, upon the Administrator's determina-  
12 tion pursuant to paragraph (1)(C) with respect to  
13 such a structure or feature, any flood protections so  
14 determined to be afforded by such structure or fea-  
15 ture shall be recognized on and incorporated in any  
16 revised or updated flood insurance rate maps for any  
17 area whose flood risk is affected by any such struc-  
18 ture or feature.

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