

119TH CONGRESS
2D SESSION

S. _____

To provide for planning and implementation of nonstructural flood risk management solutions, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. WHITEHOUSE (for himself and Mr. TILLIS) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To provide for planning and implementation of nonstructural flood risk management solutions, 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 “Enhancing Long-
5 Term, Efficient, and Viable Alternatives to Empower
6 Flood-Prone Communities Act of 2026”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

9 (1) NONSTRUCTURAL FEATURE.—

1 (A) IN GENERAL.—The term “non-
2 structural feature”, with respect to a project for
3 flood risk management or hurricane and storm
4 damage risk reduction, means—

5 (i) structure elevation;

6 (ii) structure floodproofing;

7 (iii) basement filling; and

8 (iv) acquisition of floodplain land and
9 structure demolition or relocation, except
10 as provided in subparagraph (B).

11 (B) EXCLUSION.—The term “non-
12 structural feature” does not include any prop-
13 erty acquisition and structure demolition or re-
14 location required to implement a structural fea-
15 ture or to mitigate for flooding induced by a
16 structural feature.

17 (2) SECRETARY.—The term “Secretary” means
18 the Secretary of the Army.

19 **SEC. 3. PLANNING AND IMPLEMENTATION OF NON-**
20 **STRUCTURAL FLOOD RISK MANAGEMENT SO-**
21 **LUTIONS.**

22 (a) FINDINGS.—Congress finds that—

23 (1) nonstructural features are proven methods
24 for reducing both short- and long-term risk and
25 damages from the isolated and compound effects of

1 all flood drivers, including fluvial flooding, coastal
2 storm surge-driven flooding, and flooding from ex-
3 treme rainfall;

4 (2) nonstructural features reduce flood risk and
5 damages while preserving the benefits of natural
6 floodplains, including natural flood and erosion con-
7 trol, fish and wildlife habitat, water quality mainte-
8 nance, groundwater recharge, and recreation oppor-
9 tunities;

10 (3) nonstructural features require minimal op-
11 eration, maintenance, repair, rehabilitation, and re-
12 placement and, as a result, are often more cost-ef-
13 fective than structural features such as levees and
14 floodwalls;

15 (4) nonstructural features may be the only cost-
16 effective solution to address flood risk and damages
17 in small rural communities and in large, densely
18 populated areas with multiple flood sources;

19 (5) Congress has required the Corps of Engi-
20 neers to consider nonstructural features in the for-
21 mulation of all flood risk management and hurricane
22 and storm damage risk reduction projects since
23 1974;

24 (6) the Corps of Engineers reportedly has iden-
25 tified over 88,000 individual structures for elevation

1 in authorized flood risk management or hurricane
2 and storm damage risk reduction projects or in on-
3 going feasibility studies; and

4 (7) the wholesale pausing or termination of par-
5 ticipation by the Corps of Engineers in non-
6 structural flood risk management is contrary to the
7 direction of Congress and will leave flood-prone com-
8 munities unacceptably vulnerable to increasing flood
9 risk.

10 (b) DECLARATION OF POLICY.—Congress declares
11 that it is the policy of the United States that—

12 (1) nonstructural features shall be given equal
13 consideration to structural features in every feasi-
14 bility study conducted by the Corps of Engineers for
15 flood risk management or hurricane and storm dam-
16 age risk reduction; and

17 (2) implementation of nonstructural features
18 determined by the Corps of Engineers to meet the
19 Federal objective for investments in water resources
20 is a fundamental part of the primary mission of the
21 Corps of Engineers for flood risk management and
22 hurricane and storm damage risk reduction.

23 (c) PURPOSES.—The purposes of this Act are—

1 (1) to reaffirm the role of the Corps of Engi-
2 neers in the development and implementation of
3 nonstructural features; and

4 (2) to enhance the capability of the Corps of
5 Engineers to plan and implement nonstructural fea-
6 tures efficiently and effectively.

7 (d) IMPLEMENTATION OF STUDIES AND
8 PROJECTS.—

9 (1) CONTINUATION OF STUDIES AND
10 PROJECTS.—

11 (A) IN GENERAL.—Except as provided in
12 paragraph (5), the Secretary shall not pause,
13 terminate, or otherwise defer the initiation or
14 continuation of any study or project described
15 in paragraph (2).

16 (B) RESUMPTION OF STUDIES AND
17 PROJECTS.—Not later than 45 days after the
18 date of enactment of this Act, the Secretary
19 shall resume any study or project described in
20 paragraph (2) that the Secretary paused, termi-
21 nated, or otherwise deferred during the period
22 beginning on January 20, 2025, and ending on
23 the date of enactment of this Act, unless an ex-
24 ception under paragraph (5) applies to the
25 study or project.

1 (2) STUDY OR PROJECT DESCRIBED.—A study
2 or project referred to in this subsection is an author-
3 ized flood risk management or hurricane and storm
4 damage risk reduction study or project—

5 (A) that includes a nonstructural feature;

6 (B)(i) for which Congress has specifically
7 appropriated funds; or

8 (ii) for which funds have been allocated in
9 a work plan submitted to the Committees on
10 Appropriations of the Senate and the House of
11 Representatives; and

12 (C) for which funds are available for obli-
13 gation and expenditure.

14 (3) REQUIRED DISCLOSURES TO NON-FEDERAL
15 INTERESTS.—

16 (A) IN GENERAL.—The District Engineer
17 responsible for a study or project described in
18 paragraph (2) shall—

19 (i) not later than 45 days after the
20 date of enactment of this Act, notify the
21 non-Federal interest for the study or
22 project, in writing, of the status of the
23 study or project;

1 (ii) every 45 days thereafter, provide
2 the non-Federal interest for the study or
3 project, in writing—

4 (I) a current schedule for comple-
5 tion of the study or project; and

6 (II) documentation of funds ex-
7 pended and work items completed;

8 (iii) notify the non-Federal interest
9 for the study or project, in writing, by not
10 later than 15 days after the date of any—

11 (I) change to the schedule that
12 exceeds the programmed float for the
13 study or project; or

14 (II) pause, termination, or defere-
15 ral of the study or project pursuant to
16 an exception described in subpara-
17 graph (A), (B), or (C) of paragraph
18 (5); and

19 (iv) beginning February 15, 2027,
20 and each February 15 thereafter, notify
21 the non-Federal interest for the study or
22 project, in writing, of the capability of the
23 Corps of Engineers for the study or project
24 in the upcoming fiscal year.

1 (B) CONTENTS OF NOTIFICATION.—The
2 written notification under subparagraph
3 (A)(ii)(I) shall include an explanation of the
4 cause of the change to the schedule for the
5 study or project.

6 (C) CONGRESSIONAL NOTIFICATION.—The
7 Secretary shall provide a copy of each notifica-
8 tion issued to a non-Federal interest under
9 clause (i), (iii), or (iv) of subparagraph (A) to
10 the Committee on Environment and Public
11 Works of the Senate, the Committee on Trans-
12 portation and Infrastructure of the House of
13 Representatives, and the Committees on Appro-
14 priations of the Senate and the House of Rep-
15 resentatives.

16 (4) REQUIREMENTS FOR CERTAIN STUDIES.—

17 (A) IN GENERAL.—In the case of a study
18 described in paragraph (2) the purpose of which
19 is to develop a recommendation with respect to
20 a congressional authorization for a project, in-
21 cluding a congressional authorization to in-
22 crease the maximum authorized cost of a
23 project in accordance with section 902 of the
24 Water Resources Development Act of 1986 (33
25 U.S.C. 2280), the Secretary may not—

1 (i) complete the study without submit-
2 ting to Congress a Chief's Report or Direc-
3 tor's Report, as applicable, for the study
4 that includes such a recommendation;

5 (ii) narrow the purpose or geographic
6 scope of the study relative to the author-
7 ized purpose and geographic scope of the
8 study, unless requested in writing by the
9 non-Federal interest for the study; or

10 (iii) delay progress of the study to-
11 ward a schedule milestone by a period ex-
12 ceeding 45 days under subsections (b) and
13 (c) of section 1001 of the Water Resources
14 Reform and Development Act of 2014 (33
15 U.S.C. 2282c).

16 (B) **LOCALLY PREFERRED ALTER-**
17 **NATIVE.**—On the request of the non-Federal in-
18 terest for a study described in paragraph (2)
19 that requires a Chief's Report, the Secretary
20 shall include in the Chief's Report, with a level
21 of detail comparable to the level of detail re-
22 quired by the Secretary to support a rec-
23 ommendation for congressional authorization,
24 the features and costs of the locally preferred
25 alternative.

1 (5) EXCEPTIONS.—Paragraph (1) shall not
2 apply to a study or project described in paragraph
3 (2) if—

4 (A) the pausing of construction of the
5 project is required to comply with section 902
6 of the Water Resources Development Act of
7 1986 (33 U.S.C. 2280), subject to the condition
8 that the pause does not affect the validation
9 study necessary to support an increase in the
10 maximum authorized cost of the project;

11 (B) the pausing or deferral of the study or
12 project is required because the non-Federal in-
13 terest for the study or project lacks the capa-
14 bility to carry out the non-Federal responsibil-
15 ities required by, as applicable—

16 (i) section 101, 102, 103, or 105 of
17 the Water Resources Development Act of
18 1986 (33 U.S.C. 2211, 2212, 2213, 2215);

19 (ii) section 221 of the Flood Control
20 Act of 1970 (42 U.S.C. 1962d–5b); or

21 (iii) the authorization for the study or
22 project;

23 (C) the pausing, termination, or deferral of
24 the study or project is required to comply with

1 a court order or condition of a settlement
2 agreement; or

3 (D) the pausing, termination, or deferral
4 of the study or project is requested in writing
5 by the non-Federal interest for the study or
6 project.

7 (6) PRESUMPTION.—A study or project de-
8 scribed in paragraph (2) to which no exception de-
9 scribed in paragraph (5) applies shall be presumed
10 to be paused, terminated, or deferred in violation of
11 paragraph (1) if—

12 (A) progress of the study or project toward
13 a schedule milestone is delayed by a period ex-
14 ceeding 45 days; or

15 (B) the District Engineer fails to provide
16 to the non-Federal interest for the study or
17 project any documentation or notification under
18 paragraph (3)(A) in accordance with the terms
19 of that paragraph.

20 (e) TECHNICAL COMPETENCE AND CAPACITY BUILD-
21 ING.—

22 (1) NATIONAL NONSTRUCTURAL COMMITTEE.—

23 (A) IN GENERAL.—The Secretary shall not
24 terminate the charter for the National Non-

1 structural Committee of the Corps of Engineers
2 without specific authorization from Congress.

3 (B) STAKEHOLDER ENGAGEMENT AND
4 COMMUNITY OUTREACH POLICIES.—The Na-
5 tional Nonstructural Committee shall prioritize
6 the development of guidance and tools to en-
7 hance participation in nonstructural features
8 through stakeholder engagement and commu-
9 nity outreach.

10 (2) NONSTRUCTURAL WORKING GROUP.—

11 (A) IN GENERAL.—Not later than 90 days
12 after the date of enactment of this Act, the Sec-
13 retary, acting through the National Non-
14 structural Committee, shall establish a non-
15 structural working group composed of subject
16 matter experts from Federal agencies with stat-
17 utory responsibilities related to flood risk man-
18 agement or flood hazard mitigation, State and
19 local governments, and nationally recognized
20 nonprofit organizations with expertise in non-
21 structural flood risk management.

22 (B) COMPOSITION.—To the maximum ex-
23 tent practicable, the National Nonstructural
24 Committee shall ensure that the nonstructural

1 working group established under subparagraph

2 (A) includes—

3 (i) not less than 1 representative from
4 the Federal Emergency Management
5 Agency;

6 (ii) not less than 1 representative
7 from the Department of the Interior;

8 (iii) not less than 1 representative
9 from the Department of Housing and
10 Urban Development;

11 (iv) not less than 1 representative
12 from the Department of Agriculture;

13 (v) not less than 1 representative of a
14 State or local government with expertise in
15 rural floodplain management;

16 (vi) not less than 1 representative of
17 a State or local government with expertise
18 in urban floodplain management;

19 (vii) not less than 1 representative of
20 a State or local government with expertise
21 in inland floodplain management;

22 (viii) not less than 1 representative of
23 a State or local government with expertise
24 in coastal floodplain management; and

1 (ix) not less than 5 representatives
2 from nationally recognized nonprofit orga-
3 nizations.

4 (C) DUTIES.—Members of the non-
5 structural working group established under sub-
6 paragraph (A) may provide—

7 (i) information and individual advice
8 to the Corps of Engineers offices and non-
9 Federal interests to further the execution
10 of flood risk management and hurricane
11 and storm damage risk reduction studies
12 and projects that include nonstructural
13 features; and

14 (ii) information and individual advice
15 to the National Nonstructural Committee
16 and to the mandatory nonstructural center
17 of expertise described in paragraph (3) to
18 further the development of technical and
19 policy guidance for the formulation, eval-
20 uation, and implementation of non-
21 structural measures.

22 (D) ACCESS TO INFORMATION.—The Na-
23 tional Nonstructural Committee shall provide
24 the members of the nonstructural working
25 group established under subparagraph (A) such

1 access to information related to ongoing flood
2 risk management and hurricane and storm
3 damage risk reduction studies and projects that
4 include nonstructural features and technical
5 and policy guidance as is necessary for the
6 members to carry out the duties described in
7 subparagraph (C).

8 (E) MEETINGS.—The nonstructural work-
9 ing group established under subparagraph (A)
10 shall convene on not less than a quarterly basis.

11 (3) MANDATORY NONSTRUCTURAL CENTER OF
12 EXPERTISE.—

13 (A) IN GENERAL.—Not later than 90 days
14 after the date of enactment of this Act, the Sec-
15 retary shall designate a mandatory non-
16 structural center of expertise in the Corps of
17 Engineers.

18 (B) DUTIES.—The duties of the manda-
19 tory nonstructural center of expertise des-
20 ignated under subparagraph (A) include—

21 (i) consolidating existing technical ex-
22 pertise to facilitate efficient and effective
23 delivery of technical and specialized serv-
24 ices for flood risk management and hurri-

1 cane and storm damage risk reduction
2 studies;

3 (ii) reviewing, coordinating, and im-
4 proving the quality of study products and
5 recommendations;

6 (iii) building capacity and technical
7 competence within the Corps of Engineers
8 with respect to nonstructural flood risk
9 management; and

10 (iv) coordinating with the non-
11 structural working group established under
12 paragraph (2)(A) to assess needs, review
13 recommendations, and support the develop-
14 ment of policy guidance.

15 (4) REPORTS TO CONGRESS.—Not later than 1
16 year after the date of enactment of this Act, and an-
17 nually thereafter, the Secretary shall submit to the
18 Committee on Environment and Public Works of the
19 Senate and the Committee on Transportation and
20 Infrastructure of the House of Representatives a re-
21 port that includes—

22 (A) a summary of the activities of the Na-
23 tional Nonstructural Committee;

24 (B) a summary of the contributions of
25 members of the nonstructural working group

1 established under paragraph (2)(A), including
2 an assessment of any recommendations made
3 by individual members of the working group;

4 (C) a summary of the activities of the
5 mandatory nonstructural center of expertise
6 designated under paragraph (3)(A);

7 (D) an assessment of the consideration of
8 nonstructural features in ongoing flood risk
9 management and hurricane and storm damage
10 risk reduction studies, including—

11 (i) a comparison of the benefits and
12 costs of nonstructural features and alter-
13 natives relative to the benefits and costs of
14 structural features and alternatives across
15 studies; and

16 (ii) a description of any study in
17 which a fully nonstructural alternative was
18 not included in the final array of alter-
19 natives and the justification for the deci-
20 sion;

21 (E) an assessment of the implementation
22 of nonstructural features included in flood risk
23 management and hurricane and storm damage
24 risk reduction projects under construction, in-
25 cluding a summary of participation rates and a

1 description of the community outreach strate-
2 gies implemented during project construction;
3 and

4 (F) a description of actions taken by the
5 Corps of Engineers to address barriers to im-
6 plementation of nonstructural features.

7 (f) COST SHARING.—

8 (1) IN GENERAL.—Section 103(b) of the Water
9 Resources Development Act of 1986 (33 U.S.C.
10 2213(b)) is amended—

11 (A) in paragraph (1), in the first sentence,
12 by striking “The non-Federal share” and in-
13 serting “Except as provided in paragraph (2),
14 the non-Federal share”;

15 (B) in paragraph (2)—

16 (i) in the paragraph heading, by strik-
17 ing “35 PERCENT” and inserting “THE
18 NON-FEDERAL SHARE”;

19 (ii) by striking “35 percent” and in-
20 serting “the non-Federal share”; and

21 (iii) by striking “65 percent” and in-
22 serting “the Federal share”;

23 (C) by redesignating paragraph (2) as
24 paragraph (3); and

1 (D) by inserting after paragraph (1) the
2 following:

3 “(2) COST SHARING FOR CERTAIN MEASURES
4 USING NONSTRUCTURAL FEATURES.—The Federal
5 share of the cost of a flood risk management or hur-
6 ricane and storm damage risk reduction measure
7 using a nonstructural feature shall be—

8 “(A) 90 percent, if the measure benefits an
9 economically disadvantaged community (as de-
10 fined pursuant to section 160 of the Water Re-
11 sources Development Act of 2020 (33 U.S.C.
12 2201 note; Public Law 116–260));

13 “(B) 90 percent, if the measure is for a re-
14 petitive loss structure (as defined in section
15 1370 of the National Flood Insurance Act of
16 1968 (42 U.S.C. 4121));

17 “(C) 100 percent, if the measure is for a
18 severe repetitive loss structure (as defined in
19 section 1366(h) of the National Flood Insur-
20 ance Act of 1968 (42 U.S.C. 4104c(h))); and

21 “(D) 75 percent, in the case of any meas-
22 ure not described in subparagraphs (A) through
23 (C).”.

24 (2) APPLICABILITY.—The amendments made
25 by paragraph (1) shall apply to—

1 (A) any project for flood risk management
2 or hurricane and storm damage risk reduction
3 that is authorized after the date of enactment
4 of this Act; and

5 (B) any project for flood risk management
6 or hurricane and storm damage risk reduction
7 that was authorized on or before the date of en-
8 actment of this Act, on the request of the non-
9 Federal interest for the project.

10 (g) PHASED IMPLEMENTATION.—

11 (1) IN GENERAL.—On the request of the non-
12 Federal interest for a project for flood risk manage-
13 ment or hurricane and storm damage risk reduction
14 that includes nonstructural features at scale, the
15 Secretary shall phase implementation of the non-
16 structural features by municipality, neighborhood or
17 community group, type of structure, category of
18 nonstructural feature, or other appropriate criterion.

19 (2) PROJECT PARTNERSHIP AGREEMENTS.—In
20 carrying out a project described in paragraph (1),
21 the Secretary may enter into a separate project part-
22 nership agreement with the non-Federal interest for
23 each phase of construction of the nonstructural fea-
24 tures.

1 storm damage risk reduction that includes a property ac-
2 quisition and structure relocation nonstructural feature
3 the costs of temporary housing for the owner-occupant of
4 a structure included in the nonstructural feature.

5 (d) MOVING EXPENSES.—The Secretary shall include
6 in the costs of land, easements, rights-of-way, dredged ma-
7 terial disposal areas, and relocations required for a project
8 for flood risk management or hurricane and storm damage
9 risk reduction that includes a property acquisition and
10 structure demolition or relocation nonstructural feature
11 the costs of actual, reasonable, and necessary moving ex-
12 penses.

13 (e) SUPPLEMENTAL PAYMENT IN EXCESS OF AP-
14 PRAISED VALUE.—The Secretary may include in the costs
15 of land, easements, rights-of-way, dredged material dis-
16 posal areas, and relocations required for a project for flood
17 risk management or hurricane and storm damage risk re-
18 duction that includes a property acquisition and structure
19 demolition nonstructural feature a supplemental payment
20 to the owner-occupant of a structure included in the non-
21 structural feature in excess of the appraised value of the
22 structure if—

23 (1) the cost to purchase a comparable replace-
24 ment dwelling in a nonhazard-prone location exceeds
25 the appraised value of the structure; and

1 (2) the household of the owner-occupant quali-
2 fies as low income, as defined by the Secretary of
3 Housing and Urban Development.

4 (f) APPLICABILITY.—

5 (1) IN GENERAL.—This section shall apply to—

6 (A) any study for a project for flood risk
7 management or hurricane and storm damage
8 risk reduction that has not reached the ten-
9 tatively selected plan milestone on or before the
10 date of enactment of this Act; and

11 (B) any study for a project for flood risk
12 management or hurricane and storm damage
13 risk reduction that has reached the tentatively
14 selected plan milestone on or before the date of
15 enactment of this Act, at the request of the
16 non-Federal interest for the study.

17 (2) PREVIOUSLY AUTHORIZED PROJECTS.—In
18 the case of a project for flood risk management or
19 hurricane and storm damage risk reduction that in-
20 cludes a property acquisition and structure demoli-
21 tion or relocation nonstructural feature authorized
22 on or before the date of enactment of this Act, the
23 Secretary, at the request of the non-Federal interest,
24 shall carry out the nonstructural feature in accord-

1 ance with this section without a general reevaluation
2 study.

3 **SEC. 5. STRUCTURE ELEVATION.**

4 (a) DESIGN FLOOD ELEVATION.—In the case of a
5 structure elevation nonstructural feature included in a
6 project for flood risk management or hurricane and storm
7 damage risk reduction—

8 (1) the target design flood elevation shall be not
9 lower than the elevation required by local ordinance;
10 and

11 (2) the Secretary shall evaluate the costs and
12 benefits of adopting as the target design flood ele-
13 vation for the feature the design flood elevation de-
14 termined in accordance with the most recent edition
15 of standard 24 of the American Society of Civil En-
16 gineers, entitled “Flood Resistant Design and Con-
17 struction”, if higher than the elevation required by
18 local ordinance.

19 (b) CERTAIN ELIGIBLE PROJECT COSTS.—In the
20 case of a project for flood risk management or hurricane
21 and storm damage risk reduction that includes a structure
22 elevation nonstructural feature, project costs shared in ac-
23 cordance with the cost share requirements otherwise appli-
24 cable to the project shall include, at a minimum, the fol-
25 lowing:

1 (1) Costs to comply with minimum design loads
2 and associated criteria for all hazards applicable to
3 a structure included in the project, including seismic
4 hazards and wind hazards.

5 (2) Costs to replace or repair utility service
6 components that are undersized, inadequately de-
7 signed, or unsafe, if required by State or local re-
8 quirements.

9 (3) Costs to abate asbestos and lead-based
10 paint.

11 (4) Costs to elevate existing decks, porches, or
12 stairs.

13 (5) Costs to construct a floor system that meets
14 minimum State or local requirements when the exist-
15 ing floor system cannot be elevated or is not appro-
16 priate for the new foundation.

17 (6) Costs to construct new stairs, landings, and
18 railings to access the elevated living space in compli-
19 ance with State or local requirements.

20 (7) Documented reasonable housing costs in-
21 curred by an owner-occupant temporarily displaced
22 during construction.

23 (c) OWNERSHIP VERIFICATION.—The Secretary shall
24 accept as proof of ownership of a structure included in

1 a structure elevation nonstructural feature any of the fol-
2 lowing documents:

3 (1) Deed or official record.

4 (2) Mortgage document.

5 (3) Homeowners insurance documentation.

6 (4) Property tax receipt or bill.

7 (5) Manufactured home certificate or title.

8 (6) Home purchase contract.

9 (7) Will or affidavit of heirship.

10 (8) Receipts for major repairs or maintenance
11 to the structure.

12 (9) Court documents.

13 (10) A signed statement from a public official.

14 (d) PROJECT DELIVERY.—

15 (1) IN GENERAL.—At the request of the non-
16 Federal interest for a project for flood risk manage-
17 ment or hurricane and storm damage risk reduction
18 that includes a structure elevation nonstructural fea-
19 ture, the Secretary shall enter into a project part-
20 nership agreement with the non-Federal interest—

21 (A) to allow the non-Federal interest to
22 carry out the nonstructural feature; and

23 (B) to provide in advance to the non-Fed-
24 eral interest the Federal share of funds re-

1 required for construction of the nonstructural fea-
2 ture.

3 (2) CONTRACTING.—In carrying out a structure
4 elevation nonstructural feature, the Secretary may
5 permit the owner of a structure included in the non-
6 structural feature to contract for performance of the
7 work on the structure.

8 (e) APPLICABILITY.—

9 (1) IN GENERAL.—Subsections (a) through (c)
10 shall apply to—

11 (A) any study for a project for flood risk
12 management or hurricane and storm damage
13 risk reduction that has not reached the ten-
14 tatively selected plan milestone on or before the
15 date of enactment of this Act; and

16 (B) any study for a project for flood risk
17 management or hurricane and storm damage
18 risk reduction that has reached the tentatively
19 selected plan milestone on or before the date of
20 enactment of this Act, at the request of the
21 non-Federal interest for the study.

22 (2) PREVIOUSLY AUTHORIZED PROJECTS.—In
23 the case of a project for flood risk management or
24 hurricane and storm damage risk reduction that in-
25 cludes a structure elevation nonstructural feature

1 authorized on or before the date of enactment of this
2 Act, the Secretary, at the request of the non-Federal
3 interest, shall carry out the nonstructural feature in
4 accordance with subsections (a) through (c) without
5 a general reevaluation study.