

112TH CONGRESS
1ST SESSION

H. R. 435

To terminate the National Flood Insurance Program and related mandatory purchase and compliance requirements, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 25, 2011

Mrs. MILLER of Michigan introduced the following bill; which was referred to the Committee on Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To terminate the National Flood Insurance Program and related mandatory purchase and compliance requirements, 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 “National Flood Insur-
5 ance Program Termination Act of 2010”.

1 **SEC. 2. TERMINATION OF NATIONAL FLOOD INSURANCE**
2 **PROGRAM.**

3 (a) **TERMINATION OF AUTHORITY TO PROVIDE COV-**
4 **ERAGE.**—Effective at the end of December 31, 2013, the
5 Administrator of the Federal Emergency Management
6 Agency (in this section referred to as the “Adminis-
7 trator”) shall not provide any new flood insurance cov-
8 erage, or renew any coverage provided before such date,
9 under the National Flood Insurance Act of 1968 (42
10 U.S.C. 4001 et seq.).

11 (b) **TREATMENT OF EXISTING COVERAGE.**—Sub-
12 section (a) shall not—

13 (1) affect any flood insurance coverage provided
14 under such Act under a contract or agreement en-
15 tered into before the date specified in such sub-
16 section and, notwithstanding the repeals under sec-
17 tion 3, such provisions as in effect immediately be-
18 fore such repeal shall continue to apply with respect
19 to flood insurance coverage in force after such re-
20 peal; or

21 (2) require the termination of any contract or
22 other agreement for flood insurance coverage entered
23 into before such date.

24 (c) **WIND-UP.**—After the date specified in subsection
25 (a), the Administrator shall take such actions as may be

1 necessary steps to wind up the affairs of the National
2 Flood Insurance Program.

3 (d) TREATMENT OF FUNDS.—Amounts in the Na-
4 tional Flood Insurance Fund established under section
5 1310 of the National Flood Insurance Act of 1968 (42
6 U.S.C. 4017) shall be available to the Administrator for
7 performing the functions of the Administrator with re-
8 spect to flood insurance coverage remaining in force after
9 the date specified in subsection (a). Upon the expiration
10 of the contracts and agreements for such coverage, any
11 unexpended balances in such Fund shall be deposited in
12 the Treasury as miscellaneous receipts.

13 (e) SAVINGS PROVISIONS.—

14 (1) TREATMENT OF PRIOR DETERMINATIONS.—
15 The repeals made by section 3 of the provisions of
16 law specified in such section shall not affect any
17 order, determination, regulation, or contract that
18 has been issued, made, or allowed to become effec-
19 tive under such provisions before the effective date
20 of the repeal. All such orders, determinations, regu-
21 lations, and contracts shall continue in effect until
22 modified, superseded, terminated, set aside, or re-
23 voked in accordance with law by the President, the
24 Administrator, or other authorized official, a court
25 of competent jurisdiction, or by operation of law.

1 (2) PENDING PROCEEDINGS.—

2 (A) EFFECT ON PENDING PROCEEDINGS.—

3 The repeals made by section 3 shall not affect
4 any proceedings relating to the National Flood
5 Insurance Program, including notices of pro-
6 posed rulemaking, pending on the effective date
7 of the repeals, before the Federal Emergency
8 Management Agency, except that no assistance
9 or flood insurance coverage may be provided
10 pursuant to any application pending on such ef-
11 fective date. Such proceedings, to the extent
12 that they relate to functions performed by the
13 Administrator after such repeal, shall be contin-
14 ued. Orders shall be issued in such proceedings,
15 appeals shall be taken therefrom, and payments
16 shall be made pursuant to such orders, as if
17 this Act had not been enacted; and orders
18 issued in any such proceedings shall continue in
19 effect until modified, terminated, superseded, or
20 revoked by the Administrator, by a court of
21 competent jurisdiction, or by operation of law.

22 (B) CONSTRUCTION.—Nothing in this sub-
23 section may be construed to prohibit the dis-
24 continuance or modification of any proceeding
25 described in subparagraph (A) under the same

1 terms and conditions and to the same extent
2 that such proceeding could have been discon-
3 tinued or modified if this section had not been
4 enacted.

5 (3) ACTIONS.—This section shall not affect
6 suits commenced before the effective date of the re-
7 peals made by section 3, and in all such suits, pro-
8 ceedings shall be had, appeals taken, and judgments
9 rendered in the same manner and effect as if this
10 section had not been enacted.

11 (4) LIABILITIES INCURRED.—No suit, action,
12 or other proceeding commenced by or against an in-
13 dividual in the official capacity of such individual as
14 an officer of the Federal Emergency Management
15 Agency having any responsibility for the National
16 Flood Insurance Program shall abate by reason of
17 the enactment of this section. No cause of action re-
18 lating to such Program, by or against the Federal
19 Emergency Management Agency, or by or against
20 any officer thereof in the official capacity of such of-
21 ficer having any responsibility for such program,
22 shall abate by reason of the enactment of this sec-
23 tion.

1 **SEC. 3. REPEALS AND CONTINUATION OF FEMA MAPPING**
2 **RESPONSIBILITIES.**

3 (a) NATIONAL FLOOD INSURANCE ACT OF 1968.—

4 The National Flood Insurance Act of 1968 is amended—

5 (1) by striking section 1302 (42 U.S.C. 4001);

6 (2) by striking chapters I and II (42 U.S.C.

7 4011 et seq.);

8 (3) in section 1360 (42 U.S.C. 4101)—

9 (A) in subsection (a)(2), by striking “until
10 the date specified in section 1319”;

11 (B) by striking subsection (d);

12 (C) in subsection (g)—

13 (i) by striking “To promote compli-
14 ance with the requirements of this title,
15 the” and inserting “The”;

16 (ii) by striking “directly responsible
17 for coordinating the national flood insur-
18 ance program”;

19 (iii) in the last sentence, by striking
20 “National Flood Insurance Fund, pursuant
21 to section 1310(b)(6)” and inserting the
22 following: “General Fund of the Treasury
23 and shall be used only for reducing the
24 debt of the Federal Government”; and

25 (D) in subsection (i)—

1 (i) by striking “free of charge” and
2 inserting “at cost”;

3 (ii) by striking “and States and com-
4 munities participating in the national flood
5 insurance program pursuant to section
6 1310 and at cost to all other” and insert-
7 ing “, States and communities, and other
8 interested”; and

9 (iii) in the he last sentence, by strik-
10 ing “National Flood Insurance Fund, pur-
11 suant to section 1310(b)(6)” and inserting
12 the following: “General Fund of the Treas-
13 ury and shall be used only for reducing the
14 debt of the Federal Government”;

15 (4) by striking sections 1361A (42 U.S.C.
16 4102a);

17 (5) in section 1363(e) (42 U.S.C. 4104(e)), by
18 striking the third and fifth sentences; and

19 (6) in section 1364 (42 U.S.C. 4104a)—

20 (A) in subsection (a)—

21 (i) in paragraphs (1) and (2), by
22 striking “or the Flood Disaster Protection
23 Act of 1973” each place such term ap-
24 pears; and

25 (ii) in paragraph (3)—

1 (I) by striking subparagraphs
2 (B) and (C) and inserting the fol-
3 lowing:

4 “(B) a statement that flood insurance cov-
5 erage may be available in the private market or
6 through a State-sponsored program; and”;

7 (II) by redesignating subpara-
8 graph (D) as subparagraph (C);

9 (B) by striking subsections (b) and (c);
10 (7) in section 1365 (42 U.S.C. 4104b)—

11 (A) in subsection (a), by striking “and in
12 which flood insurance under this title is avail-
13 able”; and

14 (B) in subsection (b)—

15 (i) by striking paragraph (1); and

16 (ii) in paragraph (2)—

17 (I) in the first sentence, by strik-
18 ing “the community identification
19 number and community participation
20 status (for purposes of the national
21 flood insurance program) of the com-
22 munity in which the improved real es-
23 tate or such property is located,”; and

24 (II) in the third sentence, by
25 striking “because the building or mo-

1 bile home is not located in a commu-
2 nity that is participating in the na-
3 tional flood insurance program or”;

4 (8) by striking sections 1366 and 1367 (42
5 U.S.C. 4104c, 4104d);

6 (9) in section 1370 (42 U.S.C. 4121)—

7 (A) by striking paragraphs (3), (4), (5),
8 (7), (14), and (15);

9 (B) in paragraph (12)(B), by striking the
10 semicolon at the end and inserting “; and”;

11 (C) in paragraph (13), by striking the
12 semicolon at the end and inserting a period;

13 and

14 (D) by redesignating paragraphs (6), (8),
15 (9), (10), (11), (12), and (13), as so amended,
16 as paragraphs (3), (4), (5), (6), (7), (8), and
17 (9), respectively;

18 (10) by striking sections 1371 through 1375
19 (42 U.S.C. 4122–26);

20 (11) in section 1376 (42 U.S.C. 4127)—

21 (A) in subsection (a), by striking “to carry
22 out this title” and all that follows through the
23 end of paragraph (3) and inserting “to carry
24 out the mapping, studies, investigations, and

1 other responsibilities of the Director under this
2 title”; and

3 (B) by striking subsection (c); and

4 (12) by striking section 1377 (42 U.S.C. 4001
5 note).

6 (b) FLOOD DISASTER PROTECTION ACT OF 1973.—

7 The Flood Disaster Protection Act of 1973 is amended—

8 (1) by striking section 2 (42 U.S.C. 4002);

9 (2) by striking section 102 (42 U.S.C. 4012a);

10 (3) in section 201 (42 U.S.C. 4105)—

11 (A) by striking subsection (a) and insert-
12 ing the following new subsection:

13 “(a) As information becomes available to the Director
14 concerning the existence of flood hazards, the Director
15 shall publish information in accordance with section
16 1360(a)(1) of the National Flood Insurance Act of 1968
17 and shall notify the chief executive officer of each known
18 flood-prone community of its tentative identification as a
19 community containing one or more areas having special
20 flood hazards.”;

21 (B) in subsection (b), by striking “shall ei-
22 ther (1) promptly make proper application to
23 participate in the national flood insurance pro-
24 gram or (2)” and inserting “may”;

25 (C) by striking subsections (c) and (d);

1 (D) by redesignating subsection (e) as sub-
2 section (e); and

3 (4) by striking section 202 (42 U.S.C. 4106).

4 (c) BUNNING-BEREUTER-BLUMENAUER FLOOD IN-
5 SURANCE REFORM ACT OF 2004.—Title II of the
6 Bunning-Bereuter-Blumenauer Flood Insurance Reform
7 Act of 2004 (42 U.S.C. 4011 note).

8 (d) NATIONAL FLOOD INSURANCE REFORM ACT OF
9 1994.—The National Flood Insurance Reform Act of
10 1994 is amended by striking sections 561 (42 U.S.C. 4011
11 note), 562 (42 U.S.C. 4102 note), 578 (42 U.S.C. 4014
12 note), 579(b), and 582 (42 U.S.C. 5154a).

13 (e) FEDERAL FLOOD INSURANCE ACT OF 1956.—
14 Section 15 of the Federal Flood Insurance Act of 1956
15 (42 U.S.C. 2414) is amended by striking subsection (e).

16 (f) EFFECTIVE DATE.—The amendments made by
17 this section shall take effect at the end of December 31,
18 2013.

19 **SEC. 4. INTERSTATE COMPACTS FOR FLOOD INSURANCE**
20 **COVERAGE.**

21 (a) CONGRESSIONAL CONSENT.—The consent of the
22 Congress is hereby given to any two or more States to
23 enter into agreement or compacts, not in conflict with any
24 law of the United States, for making available to inter-
25 ested persons insurance coverage against loss resulting

1 from physical damage to or loss of real property or per-
2 sonal property related thereto arising from any flood oc-
3 ccurring in the United States.

4 (b) RIGHTS RESERVED.—The right to alter, amend,
5 or repeal this section, or consent granted by this section,
6 is expressly reserved to the Congress.

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