

117TH CONGRESS
1ST SESSION

S. 2153

To amend the National Flood Insurance Act of 1968 to ensure community accountability for areas repeatedly damaged by floods, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 21, 2021

Mr. SCOTT of South Carolina introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To amend the National Flood Insurance Act of 1968 to ensure community accountability for areas repeatedly damaged by floods, 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 “Repeatedly Flooded
5 Communities Preparation Act”.

6 **SEC. 2. COMMUNITY ACCOUNTABILITY FOR REPEATEDLY**
7 **FLOODED AREAS.**

8 (a) IN GENERAL.—Section 1361 of the National
9 Flood Insurance Act of 1968 (42 U.S.C. 4102) is amended
10 by adding at the end the following:

1 “(e) COMMUNITY ACCOUNTABILITY FOR REPEAT-
2 EDLY DAMAGED AREAS.—

3 “(1) DEFINITIONS.—In this subsection—

4 “(A) the term ‘covered community’ means
5 a community—

6 “(i) that is participating in the na-
7 tional flood insurance program under sec-
8 tion 1315; and

9 “(ii) within which are located—

10 “(I) not fewer than 50 repetitive
11 loss structures with respect to each of
12 which, during any 10-year period,
13 there have been not fewer than 2
14 claims for payments under flood in-
15 surance coverage for a total amount
16 that is more than \$1,000;

17 “(II) not fewer than 5 severe re-
18 petitive loss structures for which miti-
19 gation activities meeting the stand-
20 ards for approval under section
21 1366(c)(2)(A) have not been con-
22 ducted; or

23 “(III) a public facility or a pri-
24 vate nonprofit facility that has re-
25 ceived assistance for repair, restora-

1 tion, reconstruction, or replacement
 2 under section 406 of the Robert T.
 3 Stafford Disaster Relief and Emer-
 4 gency Assistance Act (42 U.S.C.
 5 5172) relating to more than 1 flood-
 6 ing event during the most recent 10-
 7 year period;

8 “(B) the terms ‘private nonprofit facility’
 9 and ‘public facility’ have the meanings given
 10 those terms in section 102 of the Robert T.
 11 Stafford Disaster Relief and Emergency Assist-
 12 ance Act (42 U.S.C. 5122); and

13 “(C) the term ‘severe repetitive loss struc-
 14 ture’ has the meaning given the term in section
 15 1366(h).

16 “(2) REQUIREMENTS FOR COVERED COMMU-
 17 NITIES.—The Administrator shall, by regulation, re-
 18 quire a covered community to—

19 “(A) determine the areas within the cov-
 20 ered community in which properties described
 21 in paragraph (1)(A)(ii) or flood-damaged facili-
 22 ties are located in order to identify areas that
 23 are repeatedly damaged by floods;

24 “(B) assess, with assistance from the Ad-
 25 ministrator, the continuing risks to the repeat-

1 edly damaged areas identified under subpara-
 2 graph (A);

3 “(C) develop a community-specific plan for
 4 mitigating continuing flood risks to the repeat-
 5 edly damaged areas identified under subpara-
 6 graph (A);

7 “(D) submit the plan described in subpara-
 8 graph (C) and any plan updates to the Admin-
 9 istrator at appropriate intervals;

10 “(E) implement the plan described in sub-
 11 paragraph (C) and any updates to the plan; and

12 “(F) subject to section 552a of title 5,
 13 United States Code, make the plan described in
 14 subparagraph (C), any updates to the plan, and
 15 reports on progress in reducing flood risk avail-
 16 able to the public.

17 “(3) INCORPORATION INTO EXISTING PLANS.—
 18 A covered community may incorporate a plan devel-
 19 oped under paragraph (2)(C), including any updates
 20 to such a plan, into a mitigation plan developed
 21 under—

22 “(A) section 1366; and

23 “(B) section 322 of the Robert T. Stafford
 24 Disaster Relief and Emergency Assistance Act
 25 (42 U.S.C. 5165).

1 “(4) ASSISTANCE TO COMMUNITIES.—

2 “(A) DATA.—To assist a covered commu-
3 nity in developing a plan required under para-
4 graph (2)(C), including any updates to such a
5 plan, the Administrator shall, upon request,
6 provide the covered community with appropriate
7 data regarding the property addresses and
8 dates of claims associated with insured prop-
9 erties within the covered community.

10 “(B) MITIGATION GRANTS.—In making a
11 determination regarding financial assistance
12 under this Act, the Administrator may consider
13 the extent to which a covered community—

14 “(i) has complied with this subsection;
15 and

16 “(ii) is working to remedy problems
17 with respect to repeatedly flooded areas.

18 “(5) SANCTIONS.—

19 “(A) IN GENERAL.—The Administrator
20 may, by regulations issued in accordance with
21 the procedures required under section 553 of
22 title 5, United States Code, impose appropriate
23 sanctions on a covered community that fails
24 to—

25 “(i) comply with this subsection; or

1 “(ii) make sufficient progress in re-
 2 ducing the flood risks to areas in the cov-
 3 ered community that are repeatedly dam-
 4 aged by floods.

5 “(B) SUSPENSION AND PROBATION.—The
 6 sanctions described in subparagraph (A) may
 7 include suspension from the national flood in-
 8 surance program or probation under that pro-
 9 gram, as provided under section 59.24 of title
 10 44, Code of Federal Regulations, as in effect on
 11 the date of enactment of this subsection.

12 “(C) NOTICE.—

13 “(i) IN GENERAL.—Before imposing
 14 any sanctions under this paragraph, the
 15 Administrator shall provide the covered
 16 community that is subject to the sanctions
 17 with notice of the violation that may sub-
 18 ject the covered community to the sanc-
 19 tions.

20 “(ii) CONTENTS.—The notice required
 21 under clause (i) shall include recommenda-
 22 tions for actions that the covered commu-
 23 nity receiving the notice may take in order
 24 to bring the covered community into com-
 25 pliance.

1 “(D) CONSIDERATIONS.—In determining
2 appropriate sanctions to impose under this
3 paragraph, the Administrator shall consider the
4 resources available to the covered community
5 that is subject to the sanctions, including—

6 “(i) any Federal funding received by
7 the covered community;

8 “(ii) the portion of the covered com-
9 munity that lies within an area having spe-
10 cial flood hazards; and

11 “(iii) any other factor that makes it
12 difficult for the covered community to con-
13 duct mitigation activities for flood-prone
14 structures.

15 “(6) REPORTS TO CONGRESS.—Not later than
16 6 years after the date of enactment of this sub-
17 section, and not less frequently than once every 2
18 years thereafter, the Administrator shall submit to
19 Congress a report regarding the progress made by
20 covered communities with respect to implementing
21 plans developed under paragraph (2)(C), including
22 any updates to those plans.”.

23 (b) REGULATIONS.—Not later than 1 year after the
24 date of enactment of this Act, the Administrator of the
25 Federal Emergency Management Agency shall issue regu-

1 lations necessary to carry out subsection (e) of section
2 1361 of the National Flood Insurance Act of 1968 (42
3 U.S.C. 4102), as added by subsection (a) of this section.

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