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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Flood Insurance Program Termination Act of 2010”.

1

2

3

4

5
SEC. 2. TERMINATION OF NATIONAL FLOOD INSURANCE PROGRAM.

(a) Termination of Authority To Provide Coverage.—Effective at the end of December 31, 2013, the Administrator of the Federal Emergency Management Agency (in this section referred to as the “Administrator”) shall not provide any new flood insurance coverage, or renew any coverage provided before such date, under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.).

(b) Treatment of Existing Coverage.—Subsection (a) shall not—

(1) affect any flood insurance coverage provided under such Act under a contract or agreement entered into before the date specified in such subsection and, notwithstanding the repeals under section 3, such provisions as in effect immediately before such repeal shall continue to apply with respect to flood insurance coverage in force after such repeal; or

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

(c) Wind-Up.—After the date specified in subsection (a), the Administrator shall take such actions as may be
necessary steps to wind up the affairs of the National Flood Insurance Program.

(d) TREATMENT OF FUNDS.—Amounts in the National Flood Insurance Fund established under section 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017) shall be available to the Administrator for performing the functions of the Administrator with respect to flood insurance coverage remaining in force after the date specified in subsection (a). Upon the expiration of the contracts and agreements for such coverage, any unexpended balances in such Fund shall be deposited in the Treasury as miscellaneous receipts.

(e) SAVINGS PROVISIONS.—

(1) TREATMENT OF PRIOR DETERMINATIONS.—The repeals made by section 3 of the provisions of law specified in such section shall not affect any order, determination, regulation, or contract that has been issued, made, or allowed to become effective under such provisions before the effective date of the repeal. All such orders, determinations, regulations, and contracts shall continue in effect until modified, superseded, terminated, set aside, or revoked in accordance with law by the President, the Administrator, or other authorized official, a court of competent jurisdiction, or by operation of law.
(2) Pending proceedings.—

(A) Effect on pending proceedings.—
The repeals made by section 3 shall not affect any proceedings relating to the National Flood Insurance Program, including notices of proposed rulemaking, pending on the effective date of the repeals, before the Federal Emergency Management Agency, except that no assistance or flood insurance coverage may be provided pursuant to any application pending on such effective date. Such proceedings, to the extent that they relate to functions performed by the Administrator after such repeal, shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by the Administrator, by a court of competent jurisdiction, or by operation of law.

(B) Construction.—Nothing in this subsection may be construed to prohibit the discontinuance or modification of any proceeding described in subparagraph (A) under the same
terms and conditions and to the same extent
that such proceeding could have been discon-
tinued or modified if this section had not been
enacted.

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

(4) LIABILITIES INCURRED.—No suit, action,
or other proceeding commenced by or against an in-
dividual in the official capacity of such individual as
an officer of the Federal Emergency Management
Agency having any responsibility for the National
Flood Insurance Program shall abate by reason of
the enactment of this section. No cause of action re-
lating to such Program, by or against the Federal
Emergency Management Agency, or by or against
any officer thereof in the official capacity of such of-
ficer having any responsibility for such program,
shall abate by reason of the enactment of this sec-
tion.
SEC. 3. REPEALS AND CONTINUATION OF FEMA MAPPING RESPONSIBILITIES.

(a) National Flood Insurance Act of 1968.—

The National Flood Insurance Act of 1968 is amended—

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

(2) by striking chapters I and II (42 U.S.C. 4011 et seq.);

(3) in section 1360 (42 U.S.C. 4101)—

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

(B) by striking subsection (d);

(C) in subsection (g)—

(i) by striking “To promote compliance with the requirements of this title, the” and inserting “The”;

(ii) by striking “directly responsible for coordinating the national flood insurance program”;

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

(D) in subsection (i)—
(i) by striking “free of charge” and inserting “at cost”;

(ii) by striking “and States and communities participating in the national flood insurance program pursuant to section 1310 and at cost to all other” and inserting “, States and communities, and other interested”; and

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

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

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

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

(A) in subsection (a)—

(i) in paragraphs (1) and (2), by striking “or the Flood Disaster Protection Act of 1973” each place such term appears; and

(ii) in paragraph (3)—
(I) by striking subparagraphs

(B) and (C) and inserting the fol-

lowing:

“(B) a statement that flood insurance cov-

erage may be available in the private market or

through a State-sponsored program; and”; and

(II) by redesignating subpara-

graph (D) as subparagraph (C);

(B) by striking subsections (b) and (c);

(7) in section 1365 (42 U.S.C. 4104b)—

(A) in subsection (a), by striking “and in

which flood insurance under this title is avail-

able”; and

(B) in subsection (b)—

(i) by striking paragraph (1); and

(ii) in paragraph (2)—

(I) in the first sentence, by strik-

ing “the community identification

number and community participation

status (for purposes of the national

flood insurance program) of the com-

munity in which the improved real es-

tate or such property is located,”; and

(II) in the third sentence, by

striking “because the building or mo-
bile home is not located in a community that is participating in the national flood insurance program or’’;

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

(9) in section 1370 (42 U.S.C. 4121)—
   (A) by striking paragraphs (3), (4), (5), (7), (14), and (15);
   (B) in paragraph (12)(B), by striking the semicolon at the end and inserting ‘‘; and’’;
   (C) in paragraph (13), by striking the semicolon at the end and inserting a period;
   and
   (D) by redesignating paragraphs (6), (8), (9), (10), (11), (12), and (13), as so amended, as paragraphs (3), (4), (5), (6), (7), (8), and (9), respectively;
(10) by striking sections 1371 through 1375 (42 U.S.C. 4122–26);
(11) in section 1376 (42 U.S.C. 4127)—
   (A) in subsection (a), by striking ‘‘to carry out this title’’ and all that follows through the end of paragraph (3) and inserting ‘‘to carry out the mapping, studies, investigations, and
other responsibilities of the Director under this

title”; and

(B) by striking subsection (e); and

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

note).

(b) FLOOD DISASTER PROTECTION ACT OF 1973.—

The Flood Disaster Protection Act of 1973 is amended—

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

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

(3) in section 201 (42 U.S.C. 4105)—

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

“(a) As information becomes available to the Director

concerning the existence of flood hazards, the Director

shall publish information in accordance with section

1360(a)(1) of the National Flood Insurance Act of 1968

and shall notify the chief executive officer of each known

flood-prone community of its tentative identification as a

community containing one or more areas having special

flood hazards.”;

(B) in subsection (b), by striking “shall ei-

er (1) promptly make proper application to

participate in the national flood insurance pro-

gram or (2)” and inserting “may”;

(C) by striking subsections (e) and (d);
(D) by redesignating subsection (e) as subsection (e); and

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


(f) Effective Date.—The amendments made by this section shall take effect at the end of December 31, 2013.

SEC. 4. INTERSTATE COMPACTS FOR FLOOD INSURANCE COVERAGE.

(a) Congressional Consent.—The consent of the Congress is hereby given to any two or more States to enter into agreement or compacts, not in conflict with any law of the United States, for making available to interested persons insurance coverage against loss resulting
from physical damage to or loss of real property or personal property related thereto arising from any flood occurring in the United States.

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