

109TH CONGRESS
1ST SESSION

S. 2005

To provide for the reviewing, updating, and maintenance of National Flood Insurance Program rate maps, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 14, 2005

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

A BILL

To provide for the reviewing, updating, and maintenance of National Flood Insurance Program rate maps, 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 Map-
5 ping Act of 2005”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) MAP.—The term “map” means a National
9 Flood Insurance Program rate map.

1 (2) SECRETARY.—The term “Secretary” means
2 the Secretary of the Army, acting through the Chief
3 of Engineers.

4 (3) UNDER SECRETARY.—The term “Under
5 Secretary” means the Under Secretary for Emer-
6 gency Preparedness and Response, acting through
7 the Director of the Federal Emergency Management
8 Agency or a successor official.

9 **SEC. 3. IDENTIFICATION OF FLOODPRONE AREAS.**

10 (a) IN GENERAL.—Section 1360 of the National
11 Flood Insurance Act of 1968 (42 U.S.C. 4101) is amend-
12 ed—

13 (1) in subsection (a), by striking paragraph (2)
14 and inserting the following:

15 “(2) in cooperation with State and local map-
16 ping partners—

17 “(A) establish, update, and maintain flood-
18 risk zone data in the areas described in para-
19 graph (1); and

20 “(B) make estimates with respect to the
21 rates of loss caused by floods in flood-risk zones
22 of each such area.”;

23 (2) in subsection (c), by striking “to the identi-
24 fication” and all that follows through the end of the
25 subsection and inserting the following: “to—

1 “(1) the identification and mapping of—
2 “(A) flood hazard areas; and
3 “(B) flood-risk zones; and
4 “(2) the review and updating of maps in coastal
5 areas.”; and
6 (3) in subsection (g)—
7 (A) in the first sentence—
8 (i) by striking “To promote” and in-
9 serting the following:
10 “(1) IN GENERAL.—To promote”; and
11 (ii) by inserting “and in accordance
12 with paragraph (2)” after “free of
13 charge”; and
14 (B) in the second sentence, by striking
15 “Any receipts” and inserting the following:
16 “(2) REQUIREMENTS.—Flood insurance rate
17 maps and related information shall be made avail-
18 able under paragraph (1)—
19 “(A) on the website of the Federal Emer-
20 gency Management Agency; and
21 “(B) in a format that—
22 “(i) is digital; and
23 “(ii) is geospatial data-compliant, as
24 determined in accordance with the stand-

ards established by the Open Geospatial
Consortium.

“(3) DEPOSIT OF RECEIPTS.—Any receipts”.

(b) TERMINATION DATE FOR TECHNICAL MAPPING
ADVISORY COUNCIL.—Section 576 of the National Flood
Insurance Reform Act of 1994 (42 U.S.C. 4101 note; 108
Stat. 2280) is amended—

(1) in subsection (c), by striking paragraph (2)
and inserting the following:

“(2) make recommendations to the Director
with respect to—

“(A) performance metrics and milestones
to effectively and efficiently map flood risk
areas in the United States; and

“(B) procedures for delegating mapping
activities to State and local government map-
ping partners; and”; and

(2) by striking subsection (k).

SEC. 4. NATIONAL FLOOD MAPPING PROGRAM.

(a) REVIEWING, UPDATING, AND MAINTAINING
MAPS.—

(1) IN GENERAL.—The Under Secretary, in co-
ordination with the Technical Mapping Advisory
Council established under section 576 of the Na-
tional Flood Insurance Reform Act of 1994 (42

1 U.S.C. 4101 note; 108 Stat. 2280) (as amended by
2 section 3(b)), shall establish a program under which
3 the Under Secretary shall review, update, and main-
4 tain National Flood Insurance Program rate maps
5 in accordance with this subsection.

6 (2) INCLUSIONS.—

7 (A) COVERED AREAS.—Each map updated
8 under this subsection shall include a depiction
9 of—

10 (i) the 500-year floodplain;

11 (ii) areas that could be inundated as
12 a result of the failure of a levee, as deter-
13 mined by the Under Secretary; and

14 (iii) areas that could be inundated as
15 a result of the failure of a dam, as identi-
16 fied under the National Dam Safety Pro-
17 gram Act (33 U.S.C. 467 et seq.).

18 (B) OTHER INCLUSIONS.—In updating
19 maps under this subsection, the Under Sec-
20 retary shall include—

21 (i) any relevant information on coastal
22 inundation from—

23 (I) an applicable inundation map
24 of the Corps of Engineers; and

1 (II) data of the National Oceanic
2 and Atmospheric Administration re-
3 lating to storm surge modeling;

4 (ii) any relevant information of the
5 Geographical Service on stream flows, wa-
6 tershed characteristics, and topography
7 that is useful in the identification of flood
8 hazard areas, as determined by the Under
9 Secretary; and

10 (iii) a description of any hazard that
11 might impact flooding, including, as deter-
12 mined by the Under Secretary—

13 (I) land subsidence and coastal
14 erosion areas;

15 (II) sediment flow areas;

16 (III) mud flow areas;

17 (IV) ice jam areas; and

18 (V) areas on coasts and inland
19 that are subject to the failure of
20 structural protective works, such as
21 levees, dams, and floodwalls.

22 (3) STANDARDS.—In updating and maintaining
23 maps under this subsection, the Under Secretary
24 shall establish standards to—

25 (A) ensure that maps are adequate for—

- 1 (i) flood risk determinations; and
- 2 (ii) use by State and local govern-
- 3 ments in managing development to reduce
- 4 the risk of flooding; and

5 (B) facilitate the Under Secretary, in con-
 6 junction with State and local governments, to
 7 identify and use consistent methods of data col-
 8 lection and analysis in developing maps for
 9 communities with similar flood risks, as deter-
 10 mined by the Under Secretary.

11 (4) HURRICANES KATRINA AND RITA MAPPING
 12 PRIORITY.—In updating and maintaining maps
 13 under this subsection, the Under Secretary shall—

14 (A) give priority to the updating and main-
 15 tenance of maps of coastal areas affected by
 16 Hurricane Katrina or Hurricane Rita to provide
 17 guidance with respect to hurricane recovery ef-
 18 forts; and

19 (B) use the process of updating and main-
 20 taining maps under subparagraph (A) as a
 21 model for updating and maintaining other
 22 maps.

23 (5) AUTHORIZATION OF APPROPRIATIONS.—
 24 There is authorized to be appropriated to the Under

1 Secretary to carry out this subsection \$400,000,000
2 for each of fiscal years 2006 through 2012.

3 (b) COASTAL WINTER STORM AND HURRICANE AREA
4 IDENTIFICATION.—

5 (1) IN GENERAL.—For purposes of the Na-
6 tional Flood Insurance Program, the Secretary shall
7 identify areas that are, or could be, affected by a
8 coastal winter storm or hurricane of each of cat-
9 egories 1 through 5, as rated on the Saffir-Simpson
10 Hurricane Scale, in coastal States that are, or could
11 be, affected by hurricanes, as determined by the Sec-
12 retary.

13 (2) AUTHORIZATION OF APPROPRIATIONS.—
14 There is authorized to be appropriated to the Chief
15 of Engineers to carry out this subsection
16 \$9,000,000, to remain available until expended.

17 (c) REVIEW OF EXECUTIVE ORDER.—The Comp-
18 troller General of the United States shall review the guid-
19 ance and regulations issued pursuant to Executive Order
20 11988 (42 Fed. Reg. 26951, May 25, 1977; relating to
21 floodplain management) to—

22 (1) determine Federal agency compliance with
23 the Executive order; and

1 (2) make recommendations for restricting Fed-
2 eral investment and assistance in floodplains, includ-
3 ing activities relating to flood damage recovery.

4 **SEC. 5. NATIONAL LEVEE INVENTORY.**

5 To identify levees for the National Flood Insurance
6 Program, the Secretary shall maintain and periodically
7 publish an inventory of levees in the United States.

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