

116TH CONGRESS  
1ST SESSION

# H. R. 1402

To transfer functions related to the preparation of flood maps from the Administrator of the Federal Emergency Management Agency to the Director of the United States Geological Survey, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 27, 2019

Mr. CRAWFORD introduced the following bill; which was referred to the Committee on Financial Services, and in addition to the Committee on Natural Resources, 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

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## A BILL

To transfer functions related to the preparation of flood maps from the Administrator of the Federal Emergency Management Agency to the Director of the United States Geological Survey, 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 “Scientific Flood Map-  
5 ping Act”.

1 **SEC. 2. TRANSFER OF FUNCTIONS RELATED TO PREPARA-**  
2 **TION OF FLOOD MAPS.**

3 (a) TRANSFER PLAN.—Not later than 6 months after  
4 the date of the enactment of this Act the Administrator  
5 of the Federal Emergency Management Agency and the  
6 Director of the United States Geological Survey shall—

7 (1) jointly prepare a report describing the proc-  
8 ess by which the Administrator of the Federal  
9 Emergency Management Agency shall transfer to  
10 the Director of the United States Geological Survey  
11 of the Department of the Interior all functions re-  
12 lated to the preparation of flood maps as required  
13 under section 1360 of the National Flood Insurance  
14 Act of 1968 (42 U.S.C. 4101) that the Adminis-  
15 trator of the Federal Emergency Management Agen-  
16 cy was responsible for performing on date of the en-  
17 actment of this Act; and

18 (2) submit such report to Congress.

19 (b) TRANSFER OF FUNCTIONS.—Not later than 18  
20 months after the date of the enactment of this Act, the  
21 Administrator of the Federal Emergency Management  
22 Agency shall transfer to the Director of the United States  
23 Geological Survey of the Department of the Interior the  
24 functions described in subsection (a).

25 (c) PERSONNEL.—

1           (1) IN GENERAL.—Subject to paragraph (2),  
2           the personnel employed in connection with the of-  
3           fices and functions of the Federal Emergency Man-  
4           agement Agency that are transferred under this Act  
5           shall be transferred to the United States Geological  
6           Survey.

7           (2) TRANSITION.—The Administrator of the  
8           Federal Emergency Management Agency is author-  
9           ized to use the services of such personnel employed  
10          in connection with the offices and functions of the  
11          Federal Emergency Management Agency that are  
12          transferred under this Act for such period of time as  
13          may reasonably be needed to facilitate the orderly  
14          transfer of such functions.

15          (3) EFFECT.—Any full-time or part-time per-  
16          sonnel employed in permanent positions shall not be  
17          separated or reduced in grade or compensation be-  
18          cause of the transfer under this Act during the 1-  
19          year period beginning on the date of the enactment  
20          of this Act.

21          (d) PROPERTY AND RECORDS.—The contracts, liabil-  
22          ities, records, property, and other assets and interests of,  
23          or made available in connection with, the functions trans-  
24          ferred under this Act shall be transferred to the United  
25          States Geological Survey for appropriate allocation.

1 **SEC. 3. CONFORMING AMENDMENTS.**

2 (a) TECHNICAL MAPPING ADVISORY COUNCIL.—Sec-  
3 tion 100215 of the Biggert-Waters Flood Insurance Re-  
4 form Act of 2012 (42 U.S.C. 4101a) is amended by strik-  
5 ing “Administrator” each place it appears, except for sub-  
6 section (b) of such section, and inserting “Director of the  
7 United States Geological Survey”.

8 (b) NATIONAL FLOOD MAPPING PROGRAM.—Section  
9 100216 of the Biggert-Waters Flood Insurance Reform  
10 Act of 2012 (42 U.S.C. 4101b) is amended by striking  
11 “Administrator” each place it appears, except for sub-  
12 section (f) of such section, and inserting “Director of the  
13 United States Geological Survey”.

14 (c) COORDINATION.—Section 100220 of the Biggert-  
15 Waters Flood Insurance Reform Act of 2012 (42 U.S.C.  
16 4101c) is amended—

17 (1) by striking “Administrator” each place it  
18 appears and inserting “Director of the United States  
19 Geological Survey”; and

20 (2) in the heading for subsection (b), by strik-  
21 ing “ADMINISTRATOR” and inserting “UNITED  
22 STATES GEOLOGICAL SURVEY”.

23 (d) REMAPPING.—Section 100229 of the Biggert-  
24 Waters Flood Insurance Reform Act of 2012 (126 Stat.  
25 945) is amended by striking “Administrator” each place  
26 it appears and inserting “Director of the United States

1 Geological Survey”, except for the second place such term  
2 appears in subsection (b)(4)(A) of such section and sub-  
3 sections (b)(4)(B) and (c)(2) of such section.

4 (e) IDENTIFICATION OF FLOOD-PRONE AREAS.—  
5 Section 1360 of the National Flood Insurance Act of 1968  
6 (42 U.S.C. 4101) is amended by striking “Administrator”  
7 each place it appears, except for subsection (d) of such  
8 section, and inserting “Director of the United States Geo-  
9 logical Survey”.

10 (f) APPEALS.—Section 1363 of the National Flood  
11 Insurance Act of 1968 (42 U.S.C. 4104) is amended—

12 (1) by striking “Administrator” each place it  
13 appears and inserting “Director of the United States  
14 Geological Survey”; and

15 (2) in subsection (f), by striking “Federal  
16 Emergency Management Agency” and inserting  
17 “United States Geological Survey”.

18 (g) SCIENTIFIC RESOLUTION PANEL.—Section  
19 1363A of the National Flood Insurance Act of 1968 (42  
20 U.S.C. 4101–1) is amended—

21 (1) by striking “Administrator” each place it  
22 appears and inserting “Director of the United States  
23 Geological Survey”;

24 (2) by striking “Federal Emergency Manage-  
25 ment Agency” each place it appears, except for sub-

1 section (d), and inserting “Director of the United  
2 States Geological Survey”; and

3 (3) in subsection (d)—

4 (A) by striking “, the Federal Emergency  
5 Management Agency shall ensure that for each  
6 such community that”;

7 (B) in paragraph (1), by inserting “the Di-  
8 rector of the United States Geological Survey  
9 shall ensure that for each such community  
10 that” after the enumerator; and

11 (C) in paragraph (2), by inserting “the  
12 Federal Emergency Management Agency shall  
13 ensure that for each such community that”.

14 (h) INITIAL FLOOD INSURANCE RATE MAPS.—The  
15 National Flood Insurance Act of 1968 is amended—

16 (1) in section 1307(f) (42 U.S.C. 4014(f)), by  
17 inserting “or the Director of the United States Geo-  
18 logical Survey” after “published by the Adminis-  
19 trator”; and

20 (2) in section 1312(b) (42 U.S.C. 4019(b)), by  
21 inserting “or the Director of the United States Geo-  
22 logical Survey” after “published by the Adminis-  
23 trator” both places it appears.

24 (i) IDENTIFICATION OF SPECIAL FLOOD HAZARDS.—  
25 The National Flood Insurance Act of 1968 is amended—

1           (1) in paragraphs (1) and (2) of section  
 2           1364(a) (42 U.S.C. 4101a(a)(1) and (2)), by strik-  
 3           ing “identified by the Administrator” both places  
 4           such term appears and inserting “identified by the  
 5           Director of the United States Geological Survey”;  
 6           and

7           (2) in section 1365(a) (42 U.S.C. 4104b(a)), by  
 8           striking “identified by the Administrator” and in-  
 9           serting “identified by the Director of the United  
 10          States Geological Survey”.

11 **SEC. 4. TECHNICAL MAPPING ADVISORY COUNCIL.**

12          Section 100215 of the Biggert-Waters Flood Insur-  
 13          ance Reform Act of 2012 (42 U.S.C. 4101a), as amended  
 14          by the preceding provisions of this Act, is further amend-  
 15          ed—

16               (1) in subsection (b)—

17                       (A) in paragraph (1)—

18                               (i) by redesignating subparagraphs  
 19                               (A) through (E) as subparagraphs (B)  
 20                               through (F), respectively;

21                               (ii) by inserting before subparagraph  
 22                               (B), as so redesignated by clause (i) of this  
 23                               subparagraph, the following new subpara-  
 24                               graph:

1           “(A) the Director of the United States Ge-  
2           ological Survey;” and

3           (iii) in subparagraph (F), as so redes-  
4           ignated by clause (i) of this subpara-  
5           graph—

6           (I) in the matter preceding clause  
7           (i), by striking “16” and inserting  
8           “17”;

9           (II) in clause (xiii), by striking  
10          “and” at the end;

11          (III) in clause (xiv), by striking  
12          the period at the end and inserting “;  
13          and”; and

14          (IV) by adding at the end the fol-  
15          lowing new clause:

16          “(xv) a member of a recognized pro-  
17          fessional real estate brokerage associa-  
18          tion.”; and

19          (B) in paragraph h(2), by striking “para-  
20          graph (1)(E)” and inserting “paragraph  
21          (1)(F)”;

22          (2) by amending subsection (e) to read as fol-  
23          lows:



1       “(e) CHAIRPERSON.—The Chairperson of the Council  
 2 shall be the Director of the United States Geological Sur-  
 3 vey.”.

4       **SEC. 5. FEDERAL POLICY FEE.**

5       The National Flood Insurance Act of 1968 is amend-  
 6 ed—

7               (1) in section 1307(a) (42 U.S.C. 4014(a))—

8                       (A) in paragraph (1)(B)(iii)—

9                               (i) by striking “(including the costs of  
 10 mapping activities under section 1360)”;  
 11 and

12                               (ii) by striking “which shall be recov-  
 13 ered by a fee charged to policyholders and  
 14 such fee shall not be subject to any agents’  
 15 commissions, company expense allowances,  
 16 or State or local premium taxes” and in-  
 17 serting “but not including the costs of  
 18 mapping activities under section 1360”;  
 19 and

20               (B) in paragraph (2), in the matter pre-  
 21 ceding subparagraph (A)—

22                       (i) by striking “that shall not be not  
 23 subject to any agents’ commission, com-  
 24 pany expenses allowances, or State or local  
 25 premium taxes”;

1 (ii) by striking “(including” and in-  
2 serting “but not including”; and

3 (iii) by striking the closing paren-  
4 theses; and

5 (2) in section 1360 (42 U.S.C. 4101), by add-  
6 ing at the end the following new subsection:

7 “(k) MAPPING FEE.—

8 “(1) IN GENERAL.—To the extent provided in  
9 advance in an appropriation Act, the Administrator,  
10 in consultation with the Director of the United  
11 States Geological Survey, shall charge policy holders  
12 a fee for the purpose of recovering the cost of map-  
13 ping activities under this section.

14 “(2) CONSULTATION.—As part of the consulta-  
15 tion under paragraph (1), the Director of the United  
16 States Geological Survey shall determine the amount  
17 of such fee.

18 “(3) OTHER CONSIDERATIONS.—The fee under  
19 this subsection shall not be subject to any agent’s  
20 commissions, company expense allowances, or State  
21 or local premium taxes.

22 “(4) TRANSFER OF FUNDS.—The Adminis-  
23 trator shall deposit the fees collected pursuant to  
24 paragraph (1) into a separate account in the Treas-  
25 ury to be called the ‘Flood Insurance Risk Mapping

1 Fund', which shall be available to the Director of the  
2 United States Geological Survey for mapping activi-  
3 ties under this section without further appropria-  
4 tion.''.  
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