

25. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
MILLER OF MICHIGAN OR HER DESIGNEE, DEBATABLE FOR 10
MINUTES

7R2

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 1309
OFFERED BY MRS. MILLER OF MICHIGAN**

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “National Flood Insur-
3 ance Program Termination Act of 2011”.

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

6 (a) **TERMINATION OF AUTHORITY TO PROVIDE COV-**
7 **ERAGE.**—Effective January 1, 2012, the Administrator of
8 the Federal Emergency Management Agency (in this sec-
9 tion referred to as the “Administrator”) shall not provide
10 any new flood insurance coverage, or renew any coverage
11 provided before such date, under the National Flood In-
12 surance Act of 1968 (42 U.S.C. 4001 et seq.).

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

15 (1) affect any flood insurance coverage provided
16 under such Act under a contract or agreement en-
17 tered into before the date specified in such sub-
18 section and, notwithstanding the repeals under sec-

1 tion 3, such provisions as in effect immediately be-
2 fore such repeal shall continue to apply with respect
3 to flood insurance coverage in force after such re-
4 peal; or

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

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

12 (d) TREATMENT OF FUNDS.—Amounts in the Na-
13 tional Flood Insurance Fund established under section
14 1310 of the National Flood Insurance Act of 1968 (42
15 U.S.C. 4017) shall be available to the Administrator for
16 performing the functions of the Administrator with re-
17 spect to flood insurance coverage remaining in force after
18 the date specified in subsection (a). Upon the expiration
19 of the contracts and agreements for such coverage, any
20 unexpended balances in such Fund shall be deposited in
21 the Treasury as miscellaneous receipts.

22 (e) SAVINGS PROVISIONS.—

23 (1) TREATMENT OF PRIOR DETERMINATIONS.—

24 The repeals made by section 3 of the provisions of
25 law specified in such section shall not affect any

1 order, determination, regulation, or contract that
2 has been issued, made, or allowed to become effec-
3 tive under such provisions before the effective date
4 of the repeal. All such orders, determinations, regu-
5 lations, and contracts shall continue in effect until
6 modified, superseded, terminated, set aside, or re-
7 voked in accordance with law by the President, the
8 Administrator, or other authorized official, a court
9 of competent jurisdiction, or by operation of law.

10 (2) PENDING PROCEEDINGS.—

11 (A) EFFECT ON PENDING PROCEEDINGS.—

12 The repeals made by section 3 shall not affect
13 any proceedings relating to the National Flood
14 Insurance Program, including notices of pro-
15 posed rulemaking, pending on the effective date
16 of the repeals, before the Federal Emergency
17 Management Agency, except that no assistance
18 or flood insurance coverage may be provided
19 pursuant to any application pending on such ef-
20 fective date. Such proceedings, to the extent
21 that they relate to functions performed by the
22 Administrator after such repeal, shall be contin-
23 ued. Orders shall be issued in such proceedings,
24 appeals shall be taken therefrom, and payments
25 shall be made pursuant to such orders, as if

1 this Act had not been enacted; and orders
2 issued in any such proceedings shall continue in
3 effect until modified, terminated, superseded, or
4 revoked by the Administrator, by a court of
5 competent jurisdiction, or by operation of law.

6 (B) CONSTRUCTION.—Nothing in this sub-
7 section may be construed to prohibit the dis-
8 continuance or modification of any proceeding
9 described in subparagraph (A) under the same
10 terms and conditions and to the same extent
11 that such proceeding could have been discon-
12 tinued or modified if this section had not been
13 enacted.

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

20 (4) LIABILITIES INCURRED.—No suit, action,
21 or other proceeding commenced by or against an in-
22 dividual in the official capacity of such individual as
23 an officer of the Federal Emergency Management
24 Agency having any responsibility for the National
25 Flood Insurance Program shall abate by reason of

1 the enactment of this section. No cause of action re-
2 lating to such Program, by or against the Federal
3 Emergency Management Agency, or by or against
4 any officer thereof in the official capacity of such of-
5 ficer having any responsibility for such program,
6 shall abate by reason of the enactment of this sec-
7 tion.

8 **SEC. 3. REPEALS AND CONTINUATION OF FEMA MAPPING**
9 **RESPONSIBILITIES.**

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

11 The National Flood Insurance Act of 1968 is amended—

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

13 (2) by striking chapters I and II (42 U.S.C.
14 4011 et seq.);

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

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

18 (B) by striking subsection (d);

19 (C) in subsection (g)—

20 (i) by striking “To promote compli-
21 ance with the requirements of this title,
22 the” and inserting “The”;

23 (ii) by striking “directly responsible
24 for coordinating the national flood insur-
25 ance program”;

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

8 (D) in subsection (i)—

9 (i) by striking “free of charge” and
10 inserting “at cost”;

11 (ii) by striking “and States and com-
12 munities participating in the national flood
13 insurance program pursuant to section
14 1310 and at cost to all other” and insert-
15 ing “, States and communities, and other
16 interested”; and

17 (iii) in the he last sentence, by strik-
18 ing “National Flood Insurance Fund, pur-
19 suant to section 1310(b)(6)” and inserting
20 the following: “General Fund of the Treas-
21 ury and shall be used only for reducing the
22 budget deficit of the Federal Government”;

23 (4) by striking sections 1361A (42 U.S.C.
24 4102a);

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

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

4 (A) in subsection (a)—

5 (i) in paragraphs (1) and (2), by
6 striking “or the Flood Disaster Protection
7 Act of 1973” each place such term ap-
8 pears; and

9 (ii) in paragraph (3)—

10 (I) by striking subparagraphs
11 (B) and (C) and inserting the fol-
12 lowing:

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

16 (II) by redesignating subpara-
17 graph (D) as subparagraph (C);

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

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

20 (A) in subsection (a), by striking “and in
21 which flood insurance under this title is avail-
22 able”; and

23 (B) in subsection (b)—

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

25 (ii) in paragraph (2)—

1 (I) in the first sentence, by strik-
2 ing “the community identification
3 number and community participation
4 status (for purposes of the national
5 flood insurance program) of the com-
6 munity in which the improved real es-
7 tate or such property is located,”; and

8 (II) in the third sentence, by
9 striking “because the building or mo-
10 bile home is not located in a commu-
11 nity that is participating in the na-
12 tional flood insurance program or”;

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

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

16 (A) by striking paragraphs (3), (4), (5),
17 (7), (14), and (15);

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

20 (C) in paragraph (13), by striking the
21 semicolon at the end and inserting a period;
22 and

23 (D) by redesignating paragraphs (6), (8),
24 (9), (10), (11), (12), and (13), as so amended,

1 as paragraphs (3), (4), (5), (6), (7), (8), and
2 (9), respectively;

3 (10) by striking sections 1371 through 1375
4 (42 U.S.C. 4122–26);

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

6 (A) in subsection (a), by striking “to carry
7 out this title” and all that follows through the
8 end of paragraph (3) and inserting “to carry
9 out the mapping, studies, investigations, and
10 other responsibilities of the Director under this
11 title”; and

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

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

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

16 The Flood Disaster Protection Act of 1973 is amended—

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

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

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

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

22 “(a) As information becomes available to the Director
23 concerning the existence of flood hazards, the Director
24 shall publish information in accordance with section
25 1360(a)(1) of the National Flood Insurance Act of 1968

1 and shall notify the chief executive officer of each known
2 flood-prone community of its tentative identification as a
3 community containing one or more areas having special
4 flood hazards.”;

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

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

10 (D) by redesignating subsection (e) as sub-
11 section (c); and

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

13 (c) ~~BUNNING-BEREUTER-BLUMENAUER FLOOD IN-~~
14 ~~SURANCE REFORM ACT OF 2004.~~—Title II of the
15 Bunning-Bereuter-Blumenauer Flood Insurance Reform
16 Act of 2004 (42 U.S.C. 4011 note).

17 (d) ~~NATIONAL FLOOD INSURANCE REFORM ACT OF~~
18 ~~1994.~~—The National Flood Insurance Reform Act of
19 1994 is amended by striking sections 561 (42 U.S.C. 4011
20 note), 562 (42 U.S.C. 4102 note), 578 (42 U.S.C. 4014
21 note), 579(b), and 582 (42 U.S.C. 5154a).

22 (e) ~~FEDERAL FLOOD INSURANCE ACT OF 1956.~~—
23 Section 15 of the Federal Flood Insurance Act of 1956
24 (42 U.S.C. 2414) is amended by striking subsection (e).

1 (f) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect on January 1, 2012.

3 **SEC. 4. INTERSTATE COMPACTS FOR FLOOD INSURANCE**
4 **COVERAGE.**

5 (a) CONGRESSIONAL CONSENT.—The consent of the
6 Congress is hereby given to any two or more States to
7 enter into agreement or compacts, not in conflict with any
8 law of the United States, for making available to inter-
9 ested persons insurance coverage against loss resulting
10 from physical damage to or loss of real property or per-
11 sonal property related thereto arising from any flood oc-
12 ccurring in the United States.

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

