

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 1309, AS REPORTED  
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 at the end of January 1, 2012 the  
8 Administrator of the Federal Emergency Management  
9 Agency (in this section referred to as the “Adminis-  
10 trator”) shall not provide any new flood insurance cov-  
11 erage, or renew any coverage provided before such date,  
12 under the National Flood Insurance Act of 1968 (42  
13 U.S.C. 4001 et seq.).

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

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

1 section and, notwithstanding the repeals under sec-  
2 tion 3, such provisions as in effect immediately be-  
3 fore such repeal shall continue to apply with respect  
4 to flood insurance coverage in force after such re-  
5 peal; or

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

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

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

23 (e) SAVINGS PROVISIONS.—

24 (1) TREATMENT OF PRIOR DETERMINATIONS.—

25 The repeals made by section 3 of the provisions of

1 law specified in such section shall not affect any  
2 order, determination, regulation, or contract that  
3 has been issued, made, or allowed to become effective  
4 under such provisions before the effective date  
5 of the repeal. All such orders, determinations, regulations,  
6 and contracts shall continue in effect until  
7 modified, superseded, terminated, set aside, or revoked  
8 in accordance with law by the President, the  
9 Administrator, or other authorized official, a court  
10 of competent jurisdiction, or by operation of law.

11 (2) PENDING PROCEEDINGS.—

12 (A) EFFECT ON PENDING PROCEEDINGS.—

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

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

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

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

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

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

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

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

12 The National Flood Insurance Act of 1968 is amended—

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

14 (2) by striking chapters I and II (42 U.S.C.

15 4011 et seq.);

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

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

19 (B) by striking subsection (d);

20 (C) in subsection (g)—

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

1 (ii) by striking “directly responsible  
2 for coordinating the national flood insur-  
3 ance program”;

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

11 (D) in subsection (i)—

12 (i) by striking “free of charge” and  
13 inserting “at cost”;

14 (ii) by striking “and States and com-  
15 munities participating in the national flood  
16 insurance program pursuant to section  
17 1310 and at cost to all other” and insert-  
18 ing “, States and communities, and other  
19 interested”; and

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

1           (4) by striking sections 1361A (42 U.S.C.  
2           4102a);

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

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

6           (A) in subsection (a)—

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

11                  (ii) in paragraph (3)—

12                   (I) by striking subparagraphs

13                   (B) and (C) and inserting the fol-  
14                  lowing:

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

18                   (II) by redesignating subpara-  
19                  graph (D) as subparagraph (C);

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

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

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

25                  (B) in subsection (b)—

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

2 (ii) in paragraph (2)—

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

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

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

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

18 (A) by striking paragraphs (3), (4), (5),  
19 (7), (14), and (15);

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

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

24 and

1 (D) by redesignating paragraphs (6), (8),  
2 (9), (10), (11), (12), and (13), as so amended,  
3 as paragraphs (3), (4), (5), (6), (7), (8), and  
4 (9), respectively;  
5 (10) by striking sections 1371 through 1375  
6 (42 U.S.C. 4122–26);

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

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

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

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

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

18 The Flood Disaster Protection Act of 1973 is amended—

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

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

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

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

24 “(a) As information becomes available to the Director  
25 concerning the existence of flood hazards, the Director

1 shall publish information in accordance with section  
2 1360(a)(1) of the National Flood Insurance Act of 1968  
3 and shall notify the chief executive officer of each known  
4 flood-prone community of its tentative identification as a  
5 community containing one or more areas having special  
6 flood hazards.”;

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

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

12 (D) by redesignating subsection (e) as sub-  
13 section (c); and

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

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

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

1 (e) FEDERAL FLOOD INSURANCE ACT OF 1956.—  
2 Section 15 of the Federal Flood Insurance Act of 1956  
3 (42 U.S.C. 2414) is amended by striking subsection (e).

4 (f) EFFECTIVE DATE.—The amendments made by  
5 this section shall take effect at the end of December 31,  
6 2013.

7 **SEC. 4. INTERSTATE COMPACTS FOR FLOOD INSURANCE**  
8 **COVERAGE.**

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

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

