

118TH CONGRESS
1ST SESSION

S. 1417

To amend the National Flood Insurance Act of 1968 to ensure community accountability for areas repeatedly damaged by floods, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 3, 2023

Mr. SCOTT of South Carolina (for himself and Mr. SCHATZ) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To amend the National Flood Insurance Act of 1968 to ensure community accountability for areas repeatedly damaged by floods, 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 “Repeatedly Flooded
5 Communities Preparation Act”.

1 **SEC. 2. COMMUNITY ACCOUNTABILITY FOR REPEATEDLY**
2 **FLOODED AREAS.**

3 (a) IN GENERAL.—Section 1361 of the National
4 Flood Insurance Act of 1968 (42 U.S.C. 4102) is amended
5 by adding at the end the following:

6 “(e) COMMUNITY ACCOUNTABILITY FOR REPEAT-
7 EDLY DAMAGED AREAS.—

8 “(1) DEFINITIONS.—In this subsection—

9 “(A) the term ‘covered community’ means
10 a community—

11 “(i) that is participating in the na-
12 tional flood insurance program under sec-
13 tion 1315; and

14 “(ii) within which are located—

15 “(I) not fewer than 50 repetitive
16 loss structures with respect to each of
17 which, during any 10-year period,
18 there have been not fewer than 2
19 claims for payments under flood in-
20 surance coverage for a total amount
21 that is more than \$1,000;

22 “(II) not fewer than 5 severe re-
23 petitive loss structures for which miti-
24 gation activities meeting the stand-
25 ards for approval under section

1 1366(e)(2)(A) have not been con-
2 ducted; or

3 “(III) a public facility or a pri-
4 vate nonprofit facility that has re-
5 ceived assistance for repair, restora-
6 tion, reconstruction, or replacement
7 under section 406 of the Robert T.
8 Stafford Disaster Relief and Emer-
9 gency Assistance Act (42 U.S.C.
10 5172) relating to more than 1 flood-
11 ing event during the most recent 10-
12 year period;

13 “(B) the terms ‘private nonprofit facility’
14 and ‘public facility’ have the meanings given
15 those terms in section 102 of the Robert T.
16 Stafford Disaster Relief and Emergency Assist-
17 ance Act (42 U.S.C. 5122); and

18 “(C) the term ‘severe repetitive loss struc-
19 ture’ has the meaning given the term in section
20 1366(h).

21 “(2) REQUIREMENTS FOR COVERED COMMU-
22 NITIES.—The Administrator shall, by regulation, re-
23 quire a covered community to—

24 “(A) determine the areas within the cov-
25 ered community in which properties described

1 in paragraph (1)(A)(ii) or flood-damaged facili-
2 ties are located in order to identify areas that
3 are repeatedly damaged by floods;

4 “(B) assess, with assistance from the Ad-
5 ministrator, the continuing risks to the repeat-
6 edly damaged areas identified under subpara-
7 graph (A);

8 “(C) develop a community-specific plan for
9 mitigating continuing flood risks to the repeat-
10 edly damaged areas identified under subpara-
11 graph (A);

12 “(D) submit the plan described in subpara-
13 graph (C), and any plan updates, to the Admin-
14 istrator at appropriate intervals;

15 “(E) implement the plan described in sub-
16 paragraph (C) and any updates to the plan; and

17 “(F) subject to section 552a of title 5,
18 United States Code, make the plan described in
19 subparagraph (C), any updates to the plan, and
20 reports on progress in reducing flood risk avail-
21 able to the public.

22 “(3) INCORPORATION INTO EXISTING PLANS.—
23 A covered community may incorporate a plan devel-
24 oped under paragraph (2)(C), including any updates

1 to such a plan, into a mitigation plan developed
2 under—

3 “(A) section 1366; and

4 “(B) section 322 of the Robert T. Stafford
5 Disaster Relief and Emergency Assistance Act
6 (42 U.S.C. 5165).

7 “(4) ASSISTANCE TO COMMUNITIES.—

8 “(A) DATA.—To assist a covered commu-
9 nity in developing a plan required under para-
10 graph (2)(C), including any updates to such a
11 plan, the Administrator shall, upon request,
12 provide the covered community with appropriate
13 data regarding the property addresses and
14 dates of claims associated with insured prop-
15 erties within the covered community.

16 “(B) MITIGATION GRANTS.—In making a
17 determination regarding financial assistance
18 under this Act, the Administrator may consider
19 the extent to which a covered community—

20 “(i) has complied with this subsection;

21 and

22 “(ii) is working to remedy problems
23 with respect to repeatedly flooded areas.

24 “(5) SANCTIONS.—

1 “(A) IN GENERAL.—The Administrator
2 may, by regulations issued in accordance with
3 the procedures required under section 553 of
4 title 5, United States Code, impose appropriate
5 sanctions on a covered community that fails
6 to—

7 “(i) comply with this subsection; or

8 “(ii) make sufficient progress in re-
9 ducing the flood risks to areas in the cov-
10 ered community that are repeatedly dam-
11 aged by floods.

12 “(B) SUSPENSION AND PROBATION.—The
13 sanctions described in subparagraph (A) may
14 include suspension from the national flood in-
15 surance program or probation under that pro-
16 gram, as provided under section 59.24 of title
17 44, Code of Federal Regulations, as in effect on
18 the date of enactment of this subsection.

19 “(C) NOTICE.—

20 “(i) IN GENERAL.—Before imposing
21 any sanctions under this paragraph, the
22 Administrator shall provide the covered
23 community that is subject to the sanctions
24 with notice of the violation that may sub-

1 ject the covered community to the sanc-
2 tions.

3 “(ii) CONTENTS.—The notice required
4 under clause (i) shall include recommenda-
5 tions for actions that the covered commu-
6 nity receiving the notice may take in order
7 to bring the covered community into com-
8 pliance.

9 “(D) CONSIDERATIONS.—In determining
10 appropriate sanctions to impose under this
11 paragraph, the Administrator shall consider the
12 resources available to the covered community
13 that is subject to the sanctions, including—

14 “(i) any Federal funding received by
15 the covered community;

16 “(ii) the portion of the covered com-
17 munity that lies within an area having spe-
18 cial flood hazards; and

19 “(iii) any other factor that makes it
20 difficult for the covered community to con-
21 duct mitigation activities for flood-prone
22 structures.

23 “(6) REPORTS TO CONGRESS.—Not later than
24 6 years after the date of enactment of this sub-
25 section, and not less frequently than once every 2

1 years thereafter, the Administrator shall submit to
2 Congress a report regarding the progress made by
3 covered communities with respect to implementing
4 plans developed under paragraph (2)(C), including
5 any updates to those plans.”.

6 (b) REGULATIONS.—Not later than 1 year after the
7 date of enactment of this Act, the Administrator of the
8 Federal Emergency Management Agency shall issue regu-
9 lations necessary to carry out subsection (e) of section
10 1361 of the National Flood Insurance Act of 1968 (42
11 U.S.C. 4102), as added by subsection (a) of this section.

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