

116TH CONGRESS  
1ST SESSION

# S. 2088

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

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## IN THE SENATE OF THE UNITED STATES

JULY 11, 2019

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

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## A BILL

To amend the National Flood Insurance Act of 1968 to ensure community accountability for areas repetitively 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 REPETITIVELY**  
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

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) into a mitigation plan  
25 developed under—

1           “(A) section 1366; and

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

5           “(4) ASSISTANCE TO COMMUNITIES.—

6           “(A) DATA.—To assist a covered commu-  
7 nity in developing a plan required under para-  
8 graph (2)(C), the Administrator shall, upon re-  
9 quest, provide the covered community with ap-  
10 propriate data regarding the property addresses  
11 and dates of claims associated with insured  
12 properties within the covered community.

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

17                   “(i) has complied with this subsection;

18                   and

19                   “(ii) is working to remedy problems  
20 with respect to repeatedly flooded areas.

21           “(5) SANCTIONS.—

22           “(A) IN GENERAL.—The Administrator  
23 may, by regulations issued in accordance with  
24 the procedures required under section 553 of  
25 title 5, United States Code, impose appropriate

1 sanctions on a covered community that fails  
2 to—

3 “(i) comply with this subsection; or

4 “(ii) make sufficient progress in re-  
5 ducing the flood risks to areas in the cov-  
6 ered community that are repeatedly dam-  
7 aged by floods.

8 “(B) SUSPENSION AND PROBATION.—The  
9 sanctions described in subparagraph (A) may  
10 include suspension from the national flood in-  
11 surance program or probation under that pro-  
12 gram, as provided under section 59.24 of title  
13 44, Code of Federal Regulations.

14 “(C) NOTICE.—

15 “(i) IN GENERAL.—Before imposing  
16 any sanctions under this paragraph, the  
17 Administrator shall provide the covered  
18 community that is subject to the sanctions  
19 with notice of the violation that may sub-  
20 ject the covered community to the sanc-  
21 tions.

22 “(ii) CONTENTS.—The notice required  
23 under clause (i) shall include recommenda-  
24 tions for actions that the covered commu-  
25 nity receiving the notice may take in order

1 to bring the covered community into com-  
2 pliance.

3 “(D) CONSIDERATIONS.—In determining  
4 appropriate sanctions to impose under this  
5 paragraph, the Administrator shall consider the  
6 resources available to the covered community  
7 that is subject to the sanctions, including—

8 “(i) any Federal funding received by  
9 the covered community;

10 “(ii) the portion of the covered com-  
11 munity that lies within an area having spe-  
12 cial flood hazards; and

13 “(iii) any other factor that makes it  
14 difficult for the covered community to con-  
15 duct mitigation activities for flood-prone  
16 structures.

17 “(6) REPORTS TO CONGRESS.—Not later than  
18 6 years after the date of enactment of this sub-  
19 section, and not less frequently than once every 2  
20 years thereafter, the Administrator shall submit to  
21 Congress a report regarding the progress made by  
22 covered communities with respect to implementing  
23 plans developed under paragraph (2)(C).”.

24 (b) REGULATIONS.—Not later than 1 year after the  
25 date of enactment of this Act, the Administrator of the

1 Federal Emergency Management Agency shall issue regu-  
2 lations necessary to carry out subsection (e) of section  
3 1361 of the National Flood Insurance Act of 1968 (42  
4 U.S.C. 4102), as added by subsection (a) of this section.

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