

119<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 7862

To amend the National Flood Insurance Act of 1968 to limit the application of the Endangered Species Act with respect to certain actions under the national flood insurance program, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 9, 2026

Mr. BENTZ introduced the following bill; which was referred to the Committee on Financial Services

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## A BILL

To amend the National Flood Insurance Act of 1968 to limit the application of the Endangered Species Act with respect to certain actions under the national flood insurance program, 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 “National Flood Insur-  
5        ance Program Clarification Act of 2026”.

1 **SEC. 2. APPLICATION OF THE ENDANGERED SPECIES ACT**  
2 **WITH RESPECT TO CERTAIN ACTIONS UNDER**  
3 **THE NATIONAL FLOOD INSURANCE PRO-**  
4 **GRAM.**

5 Section 1317 of the National Flood Insurance Act of  
6 1968 (42 U.S.C. 4024) is amended—

7 (1) by striking “In” and inserting the following:

8 “(a) IN GENERAL.—In”; and

9 (2) by adding at the end the following:

10 “(b) APPLICATION OF ENDANGERED SPECIES  
11 ACT.—Section 7(a) of the Endangered Species Act (16  
12 U.S.C. 1536(a)) shall not apply to any actions by the Ad-  
13 ministrator pursuant to sections 1305(c), 1306, 1360,  
14 1361(c), 1363 of this title, and section 100216 of the  
15 Biggert-Waters Flood Insurance Reform Act of 2012.

16 “(c) BIOLOGICAL OPINIONS UNDER THE ENDAN-  
17 GERED SPECIES ACT.—Not later than 30 days after the  
18 date of the enactment of this subsection, the Director of  
19 the United States Fish and Wildlife Service and the As-  
20 sistant Administrator for Fisheries shall withdraw any ex-  
21 isting biological opinions under section 7(a)(2) of the En-  
22 dangered Species Act (16 U.S.C. 1536(a)(2)) that evalu-  
23 ate the impacts of the national flood insurance program.  
24 Biological opinions withdrawn under this subsection shall  
25 have no effect and shall not be reissued.”.

1 **SEC. 3. CRITERIA FOR LAND MANAGEMENT AND USE WITH**  
2 **RESPECT TO THE NATIONAL FLOOD INSUR-**  
3 **ANCE PROGRAM.**

4 Section 1361(c) of the National Flood Insurance Act  
5 of 1968 (42 U.S.C. 4102(c)) is amended by inserting after  
6 “local measures which” the following: “are for the sole  
7 purpose of protecting property and human health, and”.

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