

corporation to become a member of the partnership as a limited partner, (2) authorize the inclusion of other limited partners in addition to the stockholders of the corporation, (3) provide that the assignee of the partnership interest of a limited partner of the partnership who is also a stockholder of the corporation may not become a substituted limited partner unless he also acquires the assignor's stock of the corporation, and (4) include provisions requiring that the corporation as a general partner approve the substitution or addition of a member of the partnership.

(g) Liability of corporation as general partner; treatment of interest of limited partner in partnership

A corporation which is a limited partner in the partnership shall not become liable as a general partner by reason of the fact that (1) such corporation is a holder of shares of voting stock of the corporation constituting not more than 5 per centum of the total number of outstanding shares of such stock and exercises any of the rights (including voting rights) of a holder of such shares, and/or (2) a person who is an officer or director of such corporation (or of another corporation which controls or is subject to the control of, or is under common control with, such corporation) is a director of the corporation and performs the duties of that office. The interest of a limited partner in the partnership shall not be treated as a stock interest in the corporation, notwithstanding that such interest of a limited partner may be proportionate to his stock interest in the corporation.

(h) Execution of certificate of partnership and amendments

The certificate of the partnership and any amendment thereof required by the District of Columbia Uniform Limited Partnership Act shall be executed and acknowledged by the corporation as member and by each other member of the partnership or his attorney-in-fact duly authorized by power of attorney in writing. The corporation may execute and acknowledge the certificate and any amendment thereof as attorney-in-fact for any member, member to be substituted or added, or assigning member, by whom the certificate or amendment is required to be executed and acknowledged and who has appointed the corporation as such attorney.

(Pub. L. 90-448, title IX, §907, Aug. 1, 1968, 82 Stat. 549.)

REFERENCES IN TEXT

The District of Columbia Uniform Limited Partnership Act, referred to in subsecs. (a) and (h), is Pub. L. 87-716, Sept. 28, 1962, 76 Stat. 655, as amended, which is not classified to the Code.

The District of Columbia Uniform Partnership Act, referred to in subsec. (b), is Pub. L. 87-709, Sept. 27, 1962, 76 Stat. 636, as amended, which is not classified to the Code.

§ 3938. Annual report of corporation; audit of accounts

(a)(1) The corporation shall submit an annual report to the President for transmittal to the Congress within six months after the end of its fiscal year. The report shall include a compre-

hensive and detailed report of the operations, activities, and financial condition of the corporation and the partnership under this chapter.

(2) The report shall contain a description of the activities undertaken under section 3936(a)(4) of this title, and shall specify, as a percentage of equity and in dollars, the extent of the corporation's and the partnership's investment in housing for the benefit of families and individuals of low or moderate income, the extent of the corporation's and the partnership's investment in other housing, and the extent of the corporation's and the partnership's activities which are undertaken under section 3936(a)(4) of this title.

(b) The accounts of the corporation and of the partnership shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States.

(Pub. L. 90-448, title IX, §908, Aug. 1, 1968, 82 Stat. 550; Pub. L. 98-479, title I, §104(c)(3), Oct. 17, 1984, 98 Stat. 2225.)

AMENDMENTS

1984—Subsec. (a). Pub. L. 98-479 designated existing provisions as par. (1) and added par. (2).

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in subsec. (a) of this section relating to transmittal of annual report to Congress, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and item 2 on page 182 of House Document No. 103-7.

§ 3939. Applicability of antitrust laws

Nothing contained herein shall affect the applicability of the Federal antitrust laws to the activities of the corporation and the partnership created under this chapter and of the persons participating therein or in partnerships, limited partnerships, or joint ventures with either of them.

(Pub. L. 90-448, title IX, §909, Aug. 1, 1968, 82 Stat. 550.)

§ 3940. Reservation of right to repeal, alter, or amend chapter

The right to repeal, alter, or amend this chapter at any time is expressly reserved.

(Pub. L. 90-448, title IX, §910, Aug. 1, 1968, 82 Stat. 550.)

§ 3941. State or local taxation or regulation; access to judicial process

Nothing contained in this chapter shall preclude a State or other local jurisdiction from imposing, in accordance with the laws of such State or other local jurisdiction, any valid non-discriminatory tax, obligation, or regulation on the partnership as a taxable and or legal entity, but no limited partner of the partnership not otherwise subject to taxation or regulation by or judicial process of a State or other local jurisdiction shall be subject to taxation or regulation by or subject to or denied access to judicial

process of such State or other local jurisdiction, or be subject or denied access to any greater extent, because of activities of the corporation or partnership within such State or other local jurisdiction.

(Pub. L. 90-448, title IX, §912, as added Pub. L. 91-351, title VIII, §711, July 24, 1970, 84 Stat. 463.)

CHAPTER 50—NATIONAL FLOOD INSURANCE

- Sec. 4001. Congressional findings and declaration of purpose.
- 4002. Additional Congressional findings and declaration of purpose.
- 4003. Definitions applicable to Flood Disaster Protection Act of 1973.
- 4004. Definitions applicable to Biggert-Waters Flood Insurance Reform Act of 2012.
- 4005. Definitions applicable to Homeowner Flood Insurance Affordability Act of 2014.

SUBCHAPTER I—THE NATIONAL FLOOD INSURANCE PROGRAM

- 4011. Authorization to establish and carry out program.
- 4012. Scope of program and priorities.
- 4012a. Flood insurance purchase and compliance requirements and escrow accounts.
- 4013. Nature and limitation of insurance coverage.
- 4013a. Policy disclosures.
- 4014. Estimates of premium rates.
- 4015. Chargeable premium rates.
- 4015a. Premium surcharge.
- 4016. Financing.
- 4017. National Flood Insurance Fund.
- 4017a. Reserve Fund.
- 4018. Operating costs and allowances; definitions.
- 4019. Payment of claims.
- 4020. Dissemination of flood insurance information.
- 4021. Participation in State disaster claims mediation programs.
- 4022. State and local land use controls.
- 4023. Properties in violation of State and local law.
- 4024. Coordination with other programs.
- 4025. Flood insurance advisory committee.
- 4026. Expiration of program.
- 4027. Biennial report to President.
- 4027a. Report of the Administrator on activities under the National Flood Insurance Program.
- 4027b. Assessment of claims-paying ability.
- 4028. John H. Chafee Coastal Barrier Resources System.
- 4029. Colorado River Floodway.
- 4030. Repealed.
- 4031. Treatment of certain payments.
- 4032. Treatment of swimming pool enclosures outside of hurricane season.
- 4033. Designation of Flood Insurance Advocate.

SUBCHAPTER II—ORGANIZATION AND ADMINISTRATION OF FLOOD INSURANCE PROGRAM

- 4041. Implementation of program.

PART A—INDUSTRY PROGRAM WITH FEDERAL FINANCIAL ASSISTANCE

- 4051. Industry flood insurance pool; requirements for participation.
- 4052. Agreements with flood insurance pool.
- 4053. Adjustment and payment of claims; judicial review; limitations; jurisdiction.
- 4054. Premium equalization payments; basis; aggregate amount; establishment of designated periods.
- 4055. Reinsurance coverage.
- 4056. Emergency implementation of flood insurance program; applicability of other provisions of law.

- Sec. 4057. Alternative loss allocation system for indeterminate claims.

PART B—GOVERNMENT PROGRAM WITH INDUSTRY ASSISTANCE

- 4071. Federal operation of program; determination by Administrator; fiscal agents; report to Congress.
- 4072. Adjustment and payment of claims; judicial review; limitations; jurisdiction.

PART C—GENERAL PROVISIONS

- 4081. Services by insurance industry.
- 4082. Use of insurance pool, companies, or other private organizations for certain payments.
- 4083. Settlement of claims; arbitration.
- 4084. Records and audits.

SUBCHAPTER III—COORDINATION OF FLOOD INSURANCE WITH LAND-MANAGEMENT PROGRAMS IN FLOOD-PRONE AREAS

- 4101. Identification of flood-prone areas.
- 4101a. Technical Mapping Advisory Council.
- 4101b. National Flood Mapping Program.
- 4101c. Coordination.
- 4101d. Flood insurance rate map certification.
- 4101e. Exemption from fees for certain map change requests.
- 4102. Criteria for land management and use.
- 4102a, 4103. Repealed.
- 4104. Flood elevation determinations.
- 4104-1. Scientific Resolution Panel.
- 4104a. Notice requirements.
- 4104b. Standard hazard determination forms.
- 4104c. Mitigation assistance.
- 4104d. National Flood Mitigation Fund.
- 4105. Disaster mitigation requirements; notification to flood-prone areas.
- 4106. Nonparticipation in flood insurance program.
- 4107. Consultation with local officials; scope.

SUBCHAPTER IV—GENERAL PROVISIONS

- 4121. Definitions.
- 4122. Studies of other natural disasters; cooperation and consultation with other departments and agencies.
- 4123. Advance payments.
- 4124. Applicability of fiscal controls.
- 4125. Finality of certain financial transactions.
- 4126. Administrative expenses.
- 4127. Authorization of appropriations; availability.
- 4128. Rules and regulations.
- 4129. Federal Insurance Administrator; establishment of position.
- 4130. No cause of action.
- 4131. Levee certifications.

§ 4001. Congressional findings and declaration of purpose

(a) Necessity and reasons for flood insurance program

The Congress finds that (1) from time to time flood disasters have created personal hardships and economic distress which have required unforeseen disaster relief measures and have placed an increasing burden on the Nation's resources; (2) despite the installation of preventive and protective works and the adoption of other public programs designed to reduce losses caused by flood damage, these methods have not been sufficient to protect adequately against growing exposure to future flood losses; (3) as a matter of national policy, a reasonable method of sharing the risk of flood losses is through a program of flood insurance which can com-