

# Union Calendar No. 210

116TH CONGRESS  
1ST SESSION

# H. R. 3167

**[Report No. 116–262, Part I]**

To reform and reauthorize the National Flood Insurance Program, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 10, 2019

Ms. WATERS introduced the following bill; which was referred to the Committee on Financial Services, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

OCTOBER 28, 2019

Reported from the Committee on Financial Services with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]

OCTOBER 28, 2019

Committee on Transportation and Infrastructure discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on June 10, 2019]

# **A BILL**

To reform and reauthorize 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; TABLE OF CONTENTS.**

4 (a) *SHORT TITLE.*—*This Act may be cited as the “Na-*  
 5 *tional Flood Insurance Program Reauthorization Act of*  
 6 *2019”.*

7 (b) *TABLE OF CONTENTS.*—*The table of contents for*  
 8 *this Act is as follows:*

*Sec. 1. Short title; table of contents.*

*Sec. 2. Congressional findings.*

**TITLE I—REAUTHORIZATION AND AFFORDABILITY**

*Sec. 101. Program extension.*

*Sec. 102. Demonstration program for policy affordability.*

*Sec. 103. Premium and fees relief for families and small businesses.*

*Sec. 104. Monthly installment payment of premiums.*

*Sec. 105. State revolving loan funds for low-interest loans.*

*Sec. 106. Use of replacement cost value in estimating premium rates.*

*Sec. 107. Refund of premiums upon cancellation of policy because of replacement with private flood insurance.*

**TITLE II—MAPPING**

*Sec. 201. Reauthorization of appropriations for National Flood Mapping Program.*

*Sec. 202. National Flood Mapping Program.*

*Sec. 203. Flood mapping modernization and homeowner empowerment pilot program.*

*Sec. 204. Mapping improvements and reach.*

*Sec. 205. Appeals regarding existing flood maps.*

*Sec. 206. Appeals and publication of projected special flood hazard areas.*

*Sec. 207. Communication and outreach regarding map changes.*

*Sec. 208. Adoption of partial flood maps.*

*Sec. 209. New zone for levee-impacted areas.*

*Sec. 210. Agricultural structures in special flood hazard zones.*

*Sec. 211. Technical Mapping Advisory Council.*

**TITLE III—MITIGATION**

*Sec. 301. Increased cost of compliance coverage.*

*Sec. 302. Multiple-loss properties.*

*Sec. 303. Premium rates for certain mitigated properties.*

*Sec. 304. Coverage for cooperatives.*

*Sec. 305. Voluntary community-based flood insurance pilot program.*

*Sec. 306. Mitigation funding.*

*Sec. 307. Community Rating System improvements.*

*Sec. 308. Community assistance program for effective floodplain management.*

**TITLE IV—MODERNIZATION**

*Sec. 401. Effect of private flood insurance coverage on continuous coverage requirements.*

*Sec. 402. Optional coverage for umbrella policies.*

*Sec. 403. Annual independent actuarial study.*

*Sec. 404. Sharing of and access to information.*

*Sec. 405. Elevation certificates.*

*Sec. 406. Leveraging risk transfer opportunities for a sound financial framework.*

*Sec. 407. Write-Your-Own arrangements.*

*Sec. 408. Study on increasing participation.*

**1 SEC. 2. CONGRESSIONAL FINDINGS.**

2       *The Congress finds that—*

3               *(1) since 2016, communities and families across*  
 4       *the United States have suffered over \$300 billion in*  
 5       *losses as a result of flooding;*

6               *(2) flooding disasters in the United States*  
 7       *present a threat to people, property, and taxpayers;*

8               *(3) the National Flood Insurance Program*  
 9       *(NFIP) is a key component of the Federal Govern-*  
 10       *ment's efforts to minimize the damage and financial*  
 11       *impact of floods;*

12               *(4) the NFIP is the principal provider of flood*  
 13       *insurance in the United States, covering over 5 mil-*  
 14       *lion households and businesses across the country;*

15               *(5) affordability of flood insurance coverage re-*  
 16       *mains a serious concern;*

17               *(6) investment in mitigation is a cost-effective*  
 18       *means of reducing risk;*

1           (7) *a policyholder’s ability to pay for flood in-*  
 2           *surance coverage should be considered for premium*  
 3           *rate discounts; and*

4           (8) *in the absence of widespread private insur-*  
 5           *ance industry participation, and as a matter of na-*  
 6           *tional policy, the Federal Government must ensure*  
 7           *the availability and affordability of flood insurance.*

8           ***TITLE I—REAUTHORIZATION***  
 9           ***AND AFFORDABILITY***

10       ***SEC. 101. PROGRAM EXTENSION.***

11           (a) *FINANCING.*—*Subsection (a) of section 1309 of the*  
 12       *National Flood Insurance Act of 1968 (42 U.S.C. 4016(a))*  
 13       *is amended by striking “September 30, 2019” and inserting*  
 14       *“September 30, 2024”.*

15           (b) *PROGRAM EXPIRATION.*—*Section 1319 of the Na-*  
 16       *tional Flood Insurance Act of 1968 (42 U.S.C. 4026) is*  
 17       *amended by striking “September 30, 2019” and inserting*  
 18       *“September 30, 2024”.*

19           (c) *RETROACTIVE EFFECTIVE DATE.*—*If this Act is en-*  
 20       *acted after September 30, 2019, the amendments made by*  
 21       *subsections (a) and (b) shall take effect as if enacted on*  
 22       *September 30, 2019.*

23       ***SEC. 102. DEMONSTRATION PROGRAM FOR POLICY AFFORD-***  
 24       ***ABILITY.***

25           (a) *AUTHORITY.*—

1           (1) *IN GENERAL.*—*The Administrator of the Fed-*  
2           *eral Emergency Management Agency shall establish*  
3           *and carry out a demonstration program under this*  
4           *section to demonstrate the effectiveness of providing*  
5           *means-tested discounted rates for flood insurance cov-*  
6           *erage made available under the National Flood Insur-*  
7           *ance Act of 1968 for eligible households.*

8           (2) *CONSULTATION.*—*The Administrator may*  
9           *consult with the Secretary of the Treasury and the*  
10          *Secretary of Housing and Urban Development about*  
11          *the implementation of the program established pursu-*  
12          *ant to paragraph (1).*

13          (b) *ELIGIBLE HOUSEHOLDS AND PROPERTIES.*—*The*  
14          *Administrator may provide discounted premium rates pur-*  
15          *suant to this section only for properties that are—*

16               (1) *1- to 4-family residential properties; and*

17               (2) *the primary residence of a household whose*  
18               *income does not exceed 80 percent of the area median*  
19               *income, as determined by the Administrator in con-*  
20               *sultation with the Secretary of Housing and Urban*  
21               *Development.*

22          (c) *INCOME DETERMINATIONS.*—*For purposes of the*  
23          *program under this section, the Administrator shall make*  
24          *determinations of household income on an annual basis.*

1       (d) *PREMIUM DISCOUNTS.*—Notwithstanding any pro-  
2 vision of the National Flood Insurance Act of 1968, the  
3 chargeable premium rate for flood insurance coverage made  
4 available under the program under this section shall be an  
5 amount that does not exceed 2 percent of annual area me-  
6 dian income for the area within which is located the prop-  
7 erty for which the coverage is provided.

8       (e) *DISCLOSURE OF FULL-RISK RATE.*—The Adminis-  
9 trator shall provide to each policyholder purchasing flood  
10 insurance coverage under the program under this section  
11 for a property, not later than the commencement of the pe-  
12 riod of such coverage, a written statement setting forth the  
13 full actuarial premium rate for coverage for such property  
14 determined in accordance with section 1307(a)(1) of the Na-  
15 tional Flood Insurance Act of 1968 (42 U.S.C. 4014(a)(1)),  
16 the amount of the premium discount for such coverage, and  
17 any other information the Administrator considers helpful  
18 to policyholders in understanding flood insurance coverage  
19 and costs.

20       (f) *GUIDANCE.*—Not later than the expiration of the  
21 12-month period beginning on the date of the enactment of  
22 this Act, the Administrator shall issue guidance providing  
23 for the establishment of the demonstration program under  
24 this section, which shall include—

1           (1) *an estimation of the cost of the program stat-*  
2           *ed in terms of the aggregate of premium discounts to*  
3           *be made available under the program;*

4           (2) *a description of how the Administrator will*  
5           *determine eligibility for households to participate in*  
6           *the program in accordance with the requirements for*  
7           *eligibility in subsection (b); and*

8           (3) *any new requirements to which policyholders*  
9           *participating in the program will be subject; and*

10          (4) *the results of any consultation with the Sec-*  
11          *retary of the Treasury or the Secretary of Housing*  
12          *and Urban Development.*

13          (g) *REPORT TO CONGRESS.—*

14               (1) *COLLECTION OF INFORMATION.—The Admin-*  
15               *istrator shall collect by survey or other means, for*  
16               *each participating community in the national flood*  
17               *insurance program and regarding each year during*  
18               *the period beginning 5 years before implementation of*  
19               *the demonstration program under this section and*  
20               *ending upon the termination date under subsection*  
21               *(j), the following information:*

22                       (A) *The demographic characteristics of*  
23                       *households purchasing flood insurance coverage*  
24                       *under such program.*



1           (B) *The average median income of such*  
2           *households.*

3           (C) *The number of properties located in*  
4           *areas for which a major disaster related to flood-*  
5           *ing was declared pursuant to the Robert T. Staf-*  
6           *ford Disaster Relief and Emergency Assistance*  
7           *Act.*

8           (D) *The number of policies made available*  
9           *under the national flood insurance program and*  
10          *the number and aggregate amount of claims sub-*  
11          *mitted under such program.*

12          (E) *For all properties in such community*  
13          *receiving discounted coverage under the dem-*  
14          *onstration program under this section, the aggre-*  
15          *gate amount of the full actuarial premium rate*  
16          *for coverage that is determined in accordance*  
17          *with section 1307(a)(1) of the National Flood In-*  
18          *surance Act of 1968 (42 U.S.C. 4014(a)(1)) and*  
19          *the aggregate amount of premium discounts pro-*  
20          *vided under the demonstration program.*

21          (F) *For all properties in such community,*  
22          *any changes to such full actuarial premium*  
23          *rates due to mapping changes or other factors.*

24          (2) *REPORT TO CONGRESS.—Not later than the*  
25          *expiration of the 5-year period beginning upon the*

1 *implementation of the demonstration program under*  
2 *this section, the Administrator shall submit to the*  
3 *Congress a report evaluating the effectiveness of the*  
4 *assistance provided under the program, which shall*  
5 *include—*

6 *(A) a statement of the number of households*  
7 *participating in the program and the rates of*  
8 *participation by communities participating in*  
9 *the national flood insurance program, including*  
10 *whether such rates of participation have changed*  
11 *by year; and*

12 *(B) an estimate of the cost of the program*  
13 *to the National Flood Insurance Fund under sec-*  
14 *tion 1310 of the National Flood Insurance Act of*  
15 *1968 (42 U.S.C. 4017).*

16 *(h) DEFINITIONS.—For purposes of this section, the*  
17 *following definitions shall apply:*

18 *(1) ADMINISTRATOR.—The term “Adminis-*  
19 *trator” means the Administrator of the Federal*  
20 *Emergency Management Agency.*

21 *(2) PREMIUM DISCOUNT.—The term “premium*  
22 *discount” means, with respect to a policy for flood in-*  
23 *surance coverage under the national flood insurance*  
24 *program made available under the program under*  
25 *this section, the amount by which the full actuarial*

1     *premium rate for coverage for such property that is*  
 2     *determined in accordance with section 1307(a)(1) of*  
 3     *the National Flood Insurance Act of 1968 (42 U.S.C.*  
 4     *4014(a)(1)) exceeds the chargeable premium rate for*  
 5     *the coverage made available under the program under*  
 6     *this section.*

7     *(i) TERMINATION.—The authority under this section*  
 8     *to provide discounted premium rates for flood insurance*  
 9     *coverage shall terminate on May 31, 2024.*

10   **SEC. 103. PREMIUM AND FEES RELIEF FOR FAMILIES AND**  
 11         **SMALL BUSINESSES.**

12     *(a) REPEAL OF SURCHARGE.—*

13         *(1) REPEAL.—Section 1308A of the National*  
 14     *Flood Insurance Act of 1968 (42 U.S.C. 4015a) is*  
 15     *hereby repealed.*

16         *(2) CONFORMING AMENDMENTS.—The National*  
 17     *Flood Insurance Act of 1968 is amended—*

18             *(A) in section 1308(m) (42 U.S.C.*  
 19     *4015(m))—*

20                 *(i) in paragraph (1), by striking “and*  
 21     *the surcharges required under section*  
 22     *1308A”; and*

23                 *(ii) in paragraph (2), by striking “or*  
 24     *surcharges”; and*

1                   (B) in section 1310A(c) (42 U.S.C.  
2                   4017a(c)), by striking paragraph (4).

3           (b) *SMALL LOAN EXCEPTION TO MANDATORY PUR-*  
4 *CHASE REQUIREMENT.*—Subparagraph (A) of section  
5 102(c)(2) of the Flood Disaster Protection Act of 1973 (42  
6 U.S.C. 4012a(c)(2)(A)) is amended by striking “\$5,000”  
7 and inserting “\$25,000”.

8 **SEC. 104. MONTHLY INSTALLMENT PAYMENT OF PREMIUMS.**

9           (a) *AUTHORITY.*—Subsection (g) of section 1308 of the  
10 *National Flood Insurance Act of 1968* (42 U.S.C. 4015(g))  
11 is amended—

12                   (1) by striking the subsection designation and all  
13 that follows through “With respect” and inserting the  
14 following:

15           “(g) *FREQUENCY OF PREMIUM COLLECTION.*—

16                   “(1) *OPTIONS.*—With respect”; and

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

18                   “(2) *MONTHLY INSTALLMENT PAYMENT OF PRE-*  
19 *MIUMS.*—

20                   “(A) *EXEMPTION FROM RULEMAKING.*—

21                   *Until such time as the Administrator promul-*  
22 *gates regulations implementing paragraph (1) of*  
23 *this subsection, the Administrator may adopt*  
24 *policies and procedures, notwithstanding any*  
25 *other provisions of law and in alignment and*

1       *consistent with existing industry escrow and*  
2       *servicing standards, necessary to implement such*  
3       *paragraph without undergoing notice and com-*  
4       *ment rulemaking and without conducting regu-*  
5       *latory analyses otherwise required by statute,*  
6       *regulation, or Executive order.*

7               “(B) *PILOT PROGRAM.*—*The Administrator*  
8       *may initially implement paragraph (1) of this*  
9       *subsection as a pilot program that provides for*  
10       *a gradual phase-in of implementation.*

11              “(C) *POLICYHOLDER PROTECTION.*—*The*  
12       *Administrator may—*

13                   “(i) *during the 12-month period begin-*  
14       *ning on the date of the enactment of this*  
15       *subparagraph, charge policyholders choosing*  
16       *to pay premiums in monthly installments a*  
17       *fee for the total cost of the monthly collec-*  
18       *tion of premiums not to exceed \$25 annu-*  
19       *ally; and*

20                   “(ii) *after the expiration of the 12-*  
21       *month period referred to in clause (i), ad-*  
22       *just the fee charged annually to cover the*  
23       *total cost of the monthly collection of pre-*  
24       *miums as determined by the report sub-*  
25       *mitted pursuant to subparagraph (D).*

1           “(D) *ANNUAL REPORTS.*—*On an annual*  
 2           *basis, the Administrator shall report to the Com-*  
 3           *mittee on Financial Services of the House of*  
 4           *Representatives and the Committee on Banking,*  
 5           *Housing, and Urban Affairs of the Senate the*  
 6           *ongoing costs associated with the monthly pay-*  
 7           *ment of premiums.”.*

8           (b) *IMPLEMENTATION.*—*Clause (ii) of section*  
 9           *1307(a)(1)(B) of the National Flood Insurance Act of 1968*  
 10           *(42 U.S.C. 4014(a)(1)(B)(ii)) is amended by inserting be-*  
 11           *fore “any administrative expenses” the following: “the costs*  
 12           *associated with the monthly collection of premiums pro-*  
 13           *vided for in section 1308(g) (42 U.S.C. 4015(g)), but only*  
 14           *if such costs exceed the operating costs and allowances set*  
 15           *forth in clause (i) of this subparagraph, and”.*

16   **SEC. 105. STATE REVOLVING LOAN FUNDS FOR LOW-INTER-**  
 17           **EST LOANS.**

18           *Chapter I of the National Flood Insurance Act of 1968*  
 19           *(42 U.S.C. 4011 et seq.) is amended by adding at the end*  
 20           *the following new section:*

21   **“SEC. 1326. STATE REVOLVING LOAN FUNDS FOR LOW-IN-**  
 22           **TEREST LOANS.**

23           “(a) *DEFINITIONS.*—*In this section—*

1           “(1) the term ‘Community Rating System’  
2       *means the community rating system carried out*  
3       *under section 1315(b);*

4           “(2) the term ‘eligible State’ means a State, the  
5       *District of Columbia, and the Commonwealth of Puer-*  
6       *to Rico;*

7           “(3) the term ‘insular area’ means—

8               “(A) Guam;

9               “(B) American Samoa;

10              “(C) the Commonwealth of the Northern  
11       *Mariana Islands;*

12              “(D) the Federated States of Micronesia;

13              “(E) the Republic of the Marshall Islands;

14              “(F) the Republic of Palau; and

15              “(G) the United States Virgin Islands;

16           “(4) the term ‘intended use plan’ means a plan  
17       *prepared under subsection (d)(1);*

18           “(5) the term ‘low-income geographic area’  
19       *means an area described in paragraph (1) or (2) of*  
20       *section 301(a) of the Public Works and Economic De-*  
21       *velopment Act of 1965 (42 U.S.C. 3161(a));*

22           “(6) the term ‘low-income homeowner’ means the  
23       *owner of a primary residence, the household income*  
24       *of which in a taxable year is not more than 80 per-*

1        *cent of the median income for the area in which the*  
2        *residence is located;*

3                *“(7) the term ‘participating State’ means an eli-*  
4        *gible State that—*

5                *“(A) has entered into an agreement under*  
6        *subsection (b)(1); and*

7                *“(B) agrees to comply with the requirements*  
8        *of this section;*

9                *“(8) the term ‘pre-FIRM building’ means a*  
10        *building for which construction or substantial im-*  
11        *provement occurred before the effective date of the ini-*  
12        *tial Flood Insurance Rate Map published by the Ad-*  
13        *ministrator under section 1360 for the area in which*  
14        *the building is located;*

15                *“(9) the term ‘repetitive-loss property’ has the*  
16        *meaning given the term in section 1370(a);*

17                *“(10) the term ‘severe repetitive-loss property’*  
18        *has the meaning given the term in section 1370(a);*

19                *“(11) the term ‘State loan fund’ means a flood*  
20        *mitigation assistance revolving loan fund established*  
21        *by an eligible State under this section; and*

22                *“(12) the term ‘tribal government’ means the rec-*  
23        *ognized government of an Indian tribe, or the gov-*  
24        *erning body of an Alaska Native regional or village*



1        *corporation, that has been determined eligible to re-*  
 2        *ceive services from the Bureau of Indian Affairs.*

3        *“(b) GENERAL AUTHORITY.—*

4                *“(1) IN GENERAL.—The Administrator may*  
 5        *enter into an agreement with an eligible State to pro-*  
 6        *vide a capitalization grant for the eligible State to es-*  
 7        *tablish a revolving fund that will provide funding as-*  
 8        *sistance to help homeowners, businesses, nonprofit or-*  
 9        *ganizations, and communities reduce flood risk in*  
 10       *order to decrease—*

11                *“(A) the loss of life and property;*

12                *“(B) the cost of flood insurance; and*

13                *“(C) Federal disaster payments.*

14                *“(2) TIMING OF DEPOSIT AND AGREEMENTS FOR*  
 15        *DISTRIBUTION OF FUNDS.—*

16                *“(A) IN GENERAL.—Not later than the last*  
 17        *day of the fiscal year following the fiscal year in*  
 18        *which a capitalization grant is made to a par-*  
 19        *ticipating State under paragraph (1), the par-*  
 20        *ticipating State shall—*

21                *“(i) deposit the grant in the State loan*  
 22        *fund of the State; and*

23                *“(ii) enter into one or more binding*  
 24        *agreements that provide for the State to dis-*

1           *tribute the grant funds for purposes author-*  
2           *ized under subsection (c) such that—*

3                   “(I) *in the case of the initial*  
4                   *grant made under this section to a*  
5                   *State, not less than 75 percent of the*  
6                   *amount of the grant funds shall be dis-*  
7                   *tributed before the expiration of the 24-*  
8                   *month period beginning upon deposit*  
9                   *of such funds in the State loan fund of*  
10                  *the State; and*

11                  “(II) *in the case of any subse-*  
12                  *quent grant made under this section to*  
13                  *a State, not less than 90 percent of the*  
14                  *amount of the grant funds made under*  
15                  *the capitalization grant shall be dis-*  
16                  *tributed before the expiration of the 12-*  
17                  *month period beginning upon deposit*  
18                  *of such funds in the State loan fund of*  
19                  *the State.*

20                  “(B) *NONCOMPLIANCE.—Except as provided*  
21                  *in subparagraph (C), if a participating State*  
22                  *does not comply with subparagraph (A) with re-*  
23                  *spect to a grant, the Administrator shall reallo-*  
24                  *cate the grant in accordance with paragraph*  
25                  *(3)(B).*

1           “(C) *EXCEPTION.*—*The Administrator may*  
 2           *not reallocate any funds under subparagraph*  
 3           *(B) to a participating State that violated sub-*  
 4           *paragraph (A) with respect to a grant made dur-*  
 5           *ing the same fiscal year in which the funds to*  
 6           *be reallocated were originally made available.*

7           “(3) *ALLOCATION.*—

8           “(A) *IN GENERAL.*—*The Administrator*  
 9           *shall allocate amounts made available to carry*  
 10           *out this section to participating States—*

11                   “(i) *for the participating States to de-*  
 12                   *posit in the State loan funds established by*  
 13                   *the participating States; and*

14                   “(ii) *except as provided in paragraph*  
 15                   *(6), in accordance with the requirements de-*  
 16                   *scribed in subparagraph (B).*

17           “(B) *REQUIREMENTS.*—*The requirements*  
 18           *described in this subparagraph are as follows:*

19                   “(i) *Fifty percent of the total amount*  
 20                   *made available under subparagraph (A)*  
 21                   *shall be allocated so that each participating*  
 22                   *State receives the percentage amount that is*  
 23                   *obtained by dividing the number of prop-*  
 24                   *erties that were insured under the national*  
 25                   *flood insurance program in that State in*

1           *the fiscal year preceding the fiscal year in*  
2           *which the amount is allocated by the total*  
3           *number of properties that were insured*  
4           *under the national flood insurance program*  
5           *in the fiscal year preceding the fiscal year*  
6           *in which the amount is allocated.*

7           “(ii) *Fifty percent of the total amount*  
8           *made available under subparagraph (A)*  
9           *shall be allocated so that each participating*  
10          *State receives a percentage of funds that is*  
11          *equal to the product obtained under clause*  
12          *(iii)(IV) with respect to that participating*  
13          *State after following the procedures de-*  
14          *scribed in clause (iii).*

15          “(iii) *The procedures described in this*  
16          *clause are as follows:*

17               “(I) *Divide the total amount col-*  
18               *lected in premiums for properties in-*  
19               *sured under the national flood insur-*  
20               *ance program in each participating*  
21               *State during the previous fiscal year*  
22               *by the number of properties insured*  
23               *under the national flood insurance pro-*  
24               *gram in that State for that fiscal year.*

1                   “(II) *Add together each quotient*  
2                   *obtained under subclause (I).*

3                   “(III) *For each participating*  
4                   *State, divide the quotient obtained*  
5                   *under subclause (I) with respect to that*  
6                   *State by the sum obtained under sub-*  
7                   *clause (II).*

8                   “(IV) *For each participating*  
9                   *State, multiply the amount that is 50*  
10                  *percent of the total amount made*  
11                  *available under subparagraph (A) by*  
12                  *the quotient obtained under subclause*  
13                  *(III).*

14                  “(iv) *Except as provided in paragraph*  
15                  *(5), in a fiscal year—*

16                  “(I) *a participating State may*  
17                  *not receive more than 15 percent of the*  
18                  *total amount that is made available*  
19                  *under subparagraph (A) in that fiscal*  
20                  *year; and*

21                  “(II) *if a participating State,*  
22                  *based on the requirements under*  
23                  *clauses (i) through (iii), would, but for*  
24                  *the limit under subclause (I) of this*  
25                  *clause, receive an amount that is great-*

1 *er than the amount the State is au-*  
2 *thorized to receive under that sub-*  
3 *clause, the difference between the au-*  
4 *thorized amount and the amount other-*  
5 *wise due to the State under clauses (i)*  
6 *through (iii) shall be allocated to other*  
7 *participating States—*

8 *“(aa) that, in that fiscal*  
9 *year, have not received an amount*  
10 *under subparagraph (A) that is*  
11 *more than the authorized amount*  
12 *under subclause (I) of this clause;*  
13 *and*

14 *“(bb) by using the require-*  
15 *ments under clauses (i) through*  
16 *(iii), except that a participating*  
17 *State may receive an allocation*  
18 *under this subclause only if the*  
19 *allocation does not result in the*  
20 *State receiving a total amount for*  
21 *the fiscal year under subpara-*  
22 *graph (A) that is greater than the*  
23 *authorized amount under sub-*  
24 *clause (I).*

25 *“(4) NO REVOLVING FUND REQUIRED.—*

1           “(A) *IN GENERAL.*—Notwithstanding any  
2           other provision of this section, and subject to  
3           subparagraph (B), a participating State that re-  
4           ceives less than \$4,000,000 under paragraph  
5           (3)(B) in a fiscal year may distribute the funds  
6           directly in the form of grants or technical assist-  
7           ance for a purpose described in subsection (c)(2),  
8           without regard to whether the State has estab-  
9           lished a State loan fund.

10           “(B) *STATE MATCHING.*—A participating  
11           State that exercises the authority under subpara-  
12           graph (A) in a fiscal year shall provide match-  
13           ing funds from non-Federal sources in an  
14           amount that is equal to 15 percent of the amount  
15           that the State receives under paragraph (3)(B)  
16           in that fiscal year for purposes described in sub-  
17           paragraph (A).

18           “(5) *ALLOCATION OF REMAINING FUNDS.*—After  
19           allocating amounts made available to carry out this  
20           section for a fiscal year in accordance with para-  
21           graph (3), the Administrator shall allocate any re-  
22           maining amounts made available for that fiscal year  
23           to participating States, using the procedures described  
24           in clauses (i) through (iii) of paragraph (3)(B).

1           “(6) *ALLOCATION FOR TRIBAL GOVERNMENTS*  
 2           *AND INSULAR AREAS.—The Administrator shall re-*  
 3           *serve not less than 5.0 percent of the amount made*  
 4           *available to carry out this section in a fiscal year to*  
 5           *enter into grant agreements with tribal governments*  
 6           *and insular areas, with the grant funds to be distrib-*  
 7           *uted—*

8                       “(A) *according to criteria established by the*  
 9                       *Administrator; and*

10                      “(B) *for a purpose described in subsection*  
 11                      *(c)(2).*

12           “(7) *ADMINISTRATIVE COSTS; TECHNICAL AS-*  
 13           *SISTANCE.—The Administrator shall reserve not more*  
 14           *than 2.5 percent of the amount made available to*  
 15           *carry out this section in a fiscal year—*

16                      “(A) *for administrative costs incurred in*  
 17                      *carrying out this section; and*

18                      “(B) *to provide technical assistance to re-*  
 19                      *cipients of grants under this section.*

20           “(c) *USE OF FUNDS.—*

21                      “(1) *IN GENERAL.—Amounts deposited in a*  
 22                      *State loan fund, including repayments of loans made*  
 23                      *from the fund and interest earned on the amounts in*  
 24                      *the fund, shall be used—*



1           “(A) consistent with paragraphs (2) and (3)  
2           and subsection (g), to provide financial assist-  
3           ance for—

4                   “(i) homeowners, businesses, and non-  
5                   profit organizations that are eligible to par-  
6                   ticipate in the national flood insurance pro-  
7                   gram;

8                   “(ii) any local government that par-  
9                   ticipates in the national flood insurance  
10                  program; and

11                  “(iii) any State government agencies  
12                  or subdivisions of any State government  
13                  that engage in floodplain management ac-  
14                  tivities;

15           “(B) as a source of revenue and security for  
16           leveraged loans, the proceeds of which shall be de-  
17           posited in the State loan fund; or

18           “(C) for the sale of bonds as security for  
19           payment of the principal and interest on revenue  
20           or general obligation bonds issued by the partici-  
21           pating State to provide matching funds under  
22           subsection (g), if the proceeds from the sale of the  
23           bonds are deposited in the State loan fund.

1           “(2) *PURPOSES.*—*A recipient of financial assist-*  
2           *ance provided through amounts from a State loan*  
3           *fund—*

4                   “(A) *shall use the amounts to reduce—*

5                           “(i) *flood risk; or*

6                           “(ii) *potential flood claims submitted*  
7                           *under the national flood insurance pro-*  
8                           *gram;*

9                   “(B) *shall use the amounts in a cost-effec-*  
10                   *tive manner under requirements established by*  
11                   *the State, which may require an applicant for fi-*  
12                   *nancial assistance to submit any information*  
13                   *that the State considers relevant or necessary be-*  
14                   *fore the date on which the applicant receives the*  
15                   *assistance;*

16                   “(C) *shall use the amounts for projects*  
17                   *that—*

18                           “(i) *meet design and construction*  
19                           *standards established by the Administrator;*

20                           “(ii) *are located in communities*  
21                           *that—*

22                                   “(I) *participate in the national*  
23                                   *flood insurance program; and*

24                                   “(II) *have developed a State,*  
25                                   *local, or tribal government hazard*

1           *mitigation plan that has been ap-*  
2           *proved by the Administrator under sec-*  
3           *tion 1366;*

4           *“(iii)(I) address a repetitive-loss prop-*  
5           *erty or a severe repetitive-loss property; or*

6           *“(II) address flood risk in the 500-year*  
7           *floodplain, areas of residual flood risk, or*  
8           *other areas of potential flood risk, as identi-*  
9           *fied by the Administrator; and*

10          *“(iv) address current risk and antici-*  
11          *pate future risk, such as sea-level rise;*

12          *“(D) may use the amounts—*

13            *“(i) for projects relating to—*

14              *“(I) structural elevation;*

15              *“(II) floodproofing;*

16              *“(III) the relocation or removal of*  
17              *buildings from the 100-year floodplain*  
18              *or other areas of flood risk, including*  
19              *the acquisition of properties for such a*  
20              *purpose;*

21              *“(IV) environmental restoration*  
22              *activities that directly reduce flood*  
23              *risk;*

1                   “(V) any eligible activity de-  
2                   scribed in subparagraphs (A) through  
3                   (G) of section 1366(c)(3); or

4                   “(VI) other activities determined  
5                   appropriate by the Administrator;

6                   “(ii) with respect to a project described  
7                   in clause (i), only for expenditures directly  
8                   related to a project described in that clause,  
9                   including expenditures for planning, design,  
10                  and associated pre-construction activities;  
11                  and

12                  “(iii) to acquire, for the purposes of  
13                  permanent protection, land, buildings, or a  
14                  conservation easement from a willing seller  
15                  or grantor;

16                  “(E) may not use the amounts—

17                         “(i) to construct buildings or expand  
18                         existing buildings unless the activity is for  
19                         the purpose of flood mitigation;

20                         “(ii) to improve any structure, unless  
21                         the recipient has obtained flood insurance  
22                         coverage in an amount at least equal to the  
23                         lesser of the eligible project costs or the max-  
24                         imum insurable limit for the structure  
25                         under the national flood insurance program

1           *coverage for the structure, which coverage*  
2           *shall be maintained for the useful life of the*  
3           *structure;*

4           “(iii) to improve a residential property  
5           with an appraised value that is not less  
6           than 125 percent of the limitation on the  
7           maximum original principal obligation of a  
8           conventional mortgage that may be pur-  
9           chased by the Federal National Mortgage  
10          Association or the Federal Home Loan  
11          Mortgage Corporation in the area in which  
12          the property is located, as established under  
13          section 302(b)(2) of the Federal National  
14          Mortgage Association Charter Act (12  
15          U.S.C. 1717(b)(2)) and section 305(a)(2) of  
16          the Federal Home Loan Mortgage Corpora-  
17          tion Act (12 U.S.C. 1454(a)(2));

18          “(iv) for the direct benefit of a home-  
19          owner if the annual household adjusted  
20          gross income of the homeowner during the  
21          previous fiscal year was not less than  
22          \$200,000, as annually adjusted by the Ad-  
23          ministrator to reflect changes in the Con-  
24          sumer Price Index for All Urban Con-  
25          sumers, as published by the Bureau of

1                   *Labor Statistics of the Department of Labor*  
 2                   *and rounded to the nearest \$25; or*

3                   “(v) to acquire real property or an in-  
 4                   terest in real property unless the property is  
 5                   purchased from a willing seller; and

6                   “(F) shall, in the use of such amounts, give  
 7                   priority to the maximum extent practicable to  
 8                   projects that assist low-income homeowners and  
 9                   low-income geographical areas.

10                  “(d) *INTENDED USE PLANS.*—

11                   “(1) *IN GENERAL.*—After providing the oppor-  
 12                   tunity for public review and comment, each partici-  
 13                   pating State shall annually prepare a plan that iden-  
 14                   tifies, for the year following the date of issuance of the  
 15                   intended use plan, the intended uses of the amounts  
 16                   available in the State loan fund of the participating  
 17                   State.

18                   “(2) *CONSULTATION DURING PREPARATION.*—  
 19                   Each participating State, in preparing an intended  
 20                   use plan, shall ensure that the State agency with pri-  
 21                   mary responsibility for floodplain management—

22                   “(A) provides oversight with respect to the  
 23                   preparation of the intended use plan; and

1           “(B) consults with any other appropriate  
2           State agency, including agencies responsible for  
3           coastal and environmental management.

4           “(3) CONTENTS.—A participating State shall, in  
5           each intended use plan—

6           “(A) include—

7                   “(i) an explanation of the mitigation  
8                   and resiliency benefits the State intends to  
9                   achieve, including by—

10                           “(I) reducing future damage and  
11                           loss associated with flooding;

12                           “(II) reducing the number of se-  
13                           vere repetitive-loss properties and re-  
14                           petitive-loss properties in the State;

15                           “(III) decreasing the number of  
16                           flood insurance claims in the State;  
17                           and

18                           “(IV) increasing the rating under  
19                           the Community Rating System for  
20                           communities in the State;

21                           “(ii) information with respect to the  
22                           availability of, and the application process  
23                           for receiving, financial assistance from the  
24                           State loan fund of the State;

1           “(iii) the criteria and methods estab-  
2           lished for the distribution of amounts from  
3           the State loan fund of the State;

4           “(iv) the amount of financial assist-  
5           ance that the State anticipates allocating  
6           to—

7                     “(I) local government projects;  
8                     and

9                     “(II) projects for homeowners,  
10           business, or nonprofit organizations;

11           “(v) the expected terms of the assist-  
12           ance provided under clause (iv); and

13           “(vi) a description of the financial sta-  
14           tus of the State loan fund and the short-  
15           term and long-term goals of the State loan  
16           fund; and

17           “(B) provide, to the maximum extent prac-  
18           ticable, that priority for the use of amounts from  
19           the State loan fund shall be given to projects  
20           that—

21                     “(i) address severe repetitive-loss prop-  
22                     erties and repetitive-loss properties;

23                     “(ii) assist low-income homeowners  
24           and low-income geographic areas; and



1                   “(iii) address flood risk for pre-FIRM  
2                   buildings.

3                   “(4) PUBLICATION.—Each participating State  
4                   shall publish and periodically update a list of all  
5                   projects receiving funding from the State loan fund of  
6                   the State, which shall include identification of—

7                   “(A) the community in which the project is  
8                   located;

9                   “(B) the type and amount of assistance pro-  
10                  vided for each project; and

11                  “(C) the expected funding schedule and date  
12                  of completion of each project.

13                  “(e) FUND MANAGEMENT.—Amounts in a State loan  
14                  fund shall—

15                  “(1) remain available for providing financial as-  
16                  sistance under this section until distributed;

17                  “(2) if the amounts are not required for imme-  
18                  diate distribution or expenditure, be invested in inter-  
19                  est-bearing obligations; and

20                  “(3) except as provided in subsection (i), include  
21                  only—

22                  “(A) amounts received from capitalization  
23                  grants made under this section;

24                  “(B) repayments of loans made from the  
25                  fund; and

1                   “(C) *interest earned on amounts in the*  
2                   *fund.*

3                   “(f) *MATCHING FUNDS.—*

4                   “(1) *FULL GRANT.—On or before the date on*  
5                   *which a participating State receives a capitalization*  
6                   *grant, the State shall deposit into the State loan fund*  
7                   *of the State, in addition to the amount of the capital-*  
8                   *ization grant, an amount from non-Federal sources*  
9                   *that is not less than 10 percent of the total amount*  
10                  *of the capitalization grant.*

11                  “(2) *REDUCED GRANT.—Notwithstanding para-*  
12                  *graph (1), if a State deposits in the State loan fund*  
13                  *of the State in connection a capitalization grant an*  
14                  *amount from non-Federal sources that is less than 10*  
15                  *percent of the total amount of the capitalization grant*  
16                  *that would otherwise be received by the State, the Ad-*  
17                  *ministrator shall reduce the amount of the capitaliza-*  
18                  *tion grant received by the State to the amount that*  
19                  *is 10 times the amount so deposited and shall allocate*  
20                  *such remaining grant amounts under subsection*  
21                  *(b)(5) together with the amounts allocated under such*  
22                  *subsection.*

23                  “(g) *TYPES OF ASSISTANCE.—Unless otherwise prohib-*  
24                  *ited by State law, a participating State may use the*

1 *amounts deposited into a State loan fund under this section*  
2 *only—*

3 *“(1) to make a loan, on the condition that—*

4 *“(A) the interest rate for the loan is not*  
5 *more than the market interest rate;*

6 *“(B) the recipient of the loan will begin*  
7 *making principal and interest payments on the*  
8 *loan not later than 1 year after the date on*  
9 *which the project for which the loan was made*  
10 *is completed;*

11 *“(C) the loan will be fully amortized not*  
12 *later than 20 years after the date on which the*  
13 *project for which the loan was made is com-*  
14 *pleted, except that, in the case of a loan made for*  
15 *a project in a low-income geographic area or to*  
16 *a low-income homeowner, the State may provide*  
17 *a longer amortization period for the loan if that*  
18 *longer period—*

19 *“(i) ends on a date that is not later*  
20 *than 30 years after the date on which the*  
21 *project is completed; and*

22 *“(ii) is not longer than the expected de-*  
23 *sign life of the project;*

24 *“(D) the recipient of the loan demonstrates,*  
25 *based on verified and documented information*

1       *that, at the time the loan is consummated, that*  
2       *the recipient has a reasonable ability to repay*  
3       *the loan, according to its terms, except that this*  
4       *subparagraph may not be construed to authorize*  
5       *any reduction or limitation in efforts to comply*  
6       *with the requirements of subsection (c)(2)(E) (re-*  
7       *lating to priority for assistance for low-income*  
8       *homeowners and low-income geographical areas);*  
9       *and*

10           *“(E) payments of principal and interest*  
11           *with respect to the loan will be deposited into the*  
12           *State loan fund;*

13           *“(2) to buy or refinance the debt obligation of a*  
14           *local government related to flood mitigation or resil-*  
15           *ency activities, at an interest rate that is not more*  
16           *than the market interest rate;*

17           *“(3) to guarantee, or purchase insurance for, a*  
18           *local obligation, the proceeds of which finance a*  
19           *project eligible for assistance under this section, if the*  
20           *guarantee or purchase, as applicable, would—*

21                   *“(A) improve credit market access; or*

22                   *“(B) reduce the interest rate with respect to*  
23           *the obligation;*

24           *“(4) as a source of revenue or as security for the*  
25           *payment of principal and interest on revenue or gen-*

1        *eral obligation bonds issued by the State if the pro-*  
 2        *ceeds of the sale of the bonds will be deposited into the*  
 3        *State loan fund; or*

4                *“(5) to earn interest on those amounts.*

5        *“(h) ASSISTANCE FOR LOW-INCOME HOMEOWNERS*  
 6        *AND LOW-INCOME GEOGRAPHIC AREAS.—*

7                *“(1) IN GENERAL.—Notwithstanding any other*  
 8        *provision of this section, if a participating State uses*  
 9        *amounts from a State loan fund to provide financial*  
 10        *assistance under subsection (c) in a low-income geo-*  
 11        *graphic area or to a low-income homeowner, the State*  
 12        *may provide additional subsidization to the recipient*  
 13        *of the assistance, including forgiveness of the prin-*  
 14        *cipal of a loan.*

15                *“(2) LIMITATION.—For each fiscal year, the total*  
 16        *amount of additional subsidization provided by a*  
 17        *participating State under paragraph (1) may not ex-*  
 18        *ceed 30 percent of the amount of the capitalization*  
 19        *grant allocated to the State for that fiscal year.*

20        *“(i) ADMINISTRATION OF FUND.—*

21                *“(1) IN GENERAL.—A participating State may*  
 22        *combine the financial administration of a State loan*  
 23        *fund with the financial administration of any other*  
 24        *revolving fund established by the State if—*

1           “(A) combining the administration of the  
2           funds would—

3                   “(i) be convenient and avoid adminis-  
4                   trative costs; and

5                   “(ii) not violate the law of the State;  
6                   and

7           “(B) the Administrator determines that—

8                   “(i) amounts obtained from a grant  
9                   made under this section, amounts obtained  
10                  from the repayment of a loan made from a  
11                  State loan fund, and interest earned on  
12                  amounts in a State loan fund will be—

13                   “(I) accounted for separately from  
14                   amounts from other revolving funds;  
15                   and

16                   “(II) used only for purposes au-  
17                  thorized under this section; and

18                   “(ii) after consulting with the appro-  
19                  priate State agencies, the authority to estab-  
20                  lish assistance priorities and carry out  
21                  oversight and related activities, other than  
22                  financial administration, with respect to  
23                  flood assistance remains with the State  
24                  agency with primary responsibility for  
25                  floodplain management.

1           “(2) *ADMINISTRATIVE AND TECHNICAL COSTS.*—

2                   “(A) *IN GENERAL.*—*For each fiscal year, a*  
 3 *participating State may use the amount de-*  
 4 *scribed in subparagraph (B) to—*

5                           “(i) *pay the reasonable costs of admin-*  
 6 *istration of the programs under this section,*  
 7 *including the recovery of reasonable costs*  
 8 *incurred in establishing a State loan fund;*

9                           “(ii) *provide appropriate oversight of*  
 10 *projects authorized under this section; and*

11                           “(iii) *provide technical assistance and*  
 12 *outreach to recipients in the State of*  
 13 *amounts under this section, including with*  
 14 *respect to updating hazard mitigation plans*  
 15 *and participating in the Community Rat-*  
 16 *ing System, in an amount that is not more*  
 17 *than 4 percent of the funds made available*  
 18 *to the State under this section.*

19                   “(B) *DESCRIPTION.*—*The amount described*  
 20 *in this subparagraph is an amount equal to the*  
 21 *sum of—*

22                           “(i) *any fees collected by a partici-*  
 23 *pating State to recover the costs described*  
 24 *in subparagraph (A)(i), regardless of the*  
 25 *source; and*

1 “(ii) the greatest of—

2 “(I) \$400,000;

3 “(II) 0.2 percent of the value of  
4 the State loan fund of a State, as of  
5 the date on which the valuation is  
6 made; and

7 “(III) an amount equal to 7 per-  
8 cent of all grant awards made to a  
9 participating State for the State loan  
10 fund of the State under this section for  
11 the fiscal year.

12 “(3) AUDIT AND REPORT.—

13 “(A) AUDIT REQUIREMENT.—Not less fre-  
14 quently than biennially, each participating State  
15 shall conduct an audit of the State loan fund of  
16 the State.

17 “(B) REPORT.—Each participating State  
18 shall submit to the Administrator a biennial re-  
19 port regarding the activities of the State under  
20 this section during the period covered by the re-  
21 port, including—

22 “(i) the result of any audit conducted  
23 by the State under subparagraph (A); and



1                   “(ii) a review of the effectiveness of the  
2                   State loan fund of the State with respect  
3                   to—

4                   “(I) the intended use plans of the  
5                   State; and

6                   “(II) meeting the objectives de-  
7                   scribed in subsection (b)(1).

8                   “(4) OVERSIGHT.—In conducting oversight with  
9                   respect to State loan funds established under this sec-  
10                  tion, the Administrator—

11                  “(A) shall—

12                  “(i) periodically audit the funds in ac-  
13                  cordance with procedures established by the  
14                  Comptroller General of the United States;  
15                  and

16                  “(ii) not less frequently than once  
17                  every 4 years, review each State loan fund  
18                  to determine the effectiveness of the fund in  
19                  reducing flood risk; and

20                  “(B) may, at any time—

21                  “(i) make recommendations to a par-  
22                  ticipating State with respect to the admin-  
23                  istration of the State loan fund of the State;  
24                  or

1                   “(ii) *require specific changes with re-*  
2                   *spect to a State loan fund in order to im-*  
3                   *prove the effectiveness of the fund.*

4           “(j) *LIABILITY PROTECTIONS.—The Federal Govern-*  
5           *ment shall not be liable for any claim based upon the exer-*  
6           *cise or performance of, or the failure to exercise or perform,*  
7           *a discretionary function or duty on the part of the Federal*  
8           *agency, or an employee of the Federal Government, in car-*  
9           *rying out the provision of this section.*

10          “(k) *REGULATIONS.—The Administrator shall promul-*  
11          *gate such guidance or regulations as may be necessary to*  
12          *carry out this section, including guidance or regulations*  
13          *that—*

14               “(1) *ensure that each participating State to*  
15               *which funds are allocated under this section uses the*  
16               *funds as efficiently as possible;*

17               “(2) *reduce, to the maximum extent practicable,*  
18               *waste, fraud, and abuse with respect to the implemen-*  
19               *tation of this section; and*

20               “(3) *require any party that receives funds di-*  
21               *rectly or indirectly under this section, including a*  
22               *participating State and a recipient of amounts from*  
23               *a State loan fund, to use procedures with respect to*  
24               *the management of the funds that conform to gen-*  
25               *erally accepted accounting standards.*

1       “(l) *AUTHORIZATION OF APPROPRIATIONS.*—*There ia*  
 2 *authorized to be appropriated to carry out this section*  
 3 *\$50,000,000 for each of fiscal years 2020 through 2024.*”.

4       **SEC. 106. USE OF REPLACEMENT COST VALUE IN ESTI-**  
 5                               **MATING PREMIUM RATES.**

6       *Section 1307 of the National Flood Insurance Act of*  
 7 *1968 (42 U.S.C. 4014) is amended by adding at the end*  
 8 *the following new subsection:*

9       “(i) *USE OF REPLACEMENT COST VALUE.*—*In deter-*  
 10 *mining affordability for insurance provided under this title,*  
 11 *the Administrator may consider, where appropriate, the*  
 12 *impact of the inclusion of the replacement cost or other set-*  
 13 *tlement basis of the structure.*”.

14       **SEC. 107. REFUND OF PREMIUMS UPON CANCELLATION OF**  
 15                               **POLICY BECAUSE OF REPLACEMENT WITH**  
 16                               **PRIVATE FLOOD INSURANCE.**

17       *Section 1306 of the National Flood Insurance Act of*  
 18 *1968 (42 U.S.C. 4013) is amended by adding at the end*  
 19 *the following new subsection:*

20       “(e) *REFUND OF UNEARNED PREMIUMS FOR POLICIES*  
 21 *CANCELED BECAUSE OF REPLACEMENT WITH PRIVATE*  
 22 *FLOOD INSURANCE.*—

23               “(1) *REQUIRED REFUND.*—*Subject to subsection*  
 24 *(c), if at any time an insured under a policy for flood*  
 25 *insurance coverage for a property that is made avail-*

1     *able under this title cancels such policy because other*  
 2     *duplicate flood insurance coverage for the same prop-*  
 3     *erty has been obtained from a source other than the*  
 4     *National Flood Insurance Program under this title,*  
 5     *the Administrator shall refund to the former insured*  
 6     *a portion of the premiums paid for the coverage made*  
 7     *available under this title, as determined consistent*  
 8     *with industry practice according to the portion of the*  
 9     *term of the policy that such coverage was in effect, but*  
 10    *only if a copy of declarations page of the new policy*  
 11    *obtained from a source other than the program under*  
 12    *this title is provided to the Administrator.*

13           “(2) *EFFECTIVE DATE OF CANCELLATION.—For*  
 14    *purposes of this subsection, a cancellation of a policy*  
 15    *for coverage made available under the National Flood*  
 16    *Insurance Program under this title, for the reason*  
 17    *specified in paragraph (1), shall be effective—*

18           “(A) *on the effective date of the new policy*  
 19    *obtained from a source other than the program*  
 20    *under this title, if the request for such cancella-*  
 21    *tion was received by the Administrator before the*  
 22    *expiration of the 6-month period beginning on*  
 23    *the effective date of the new policy; or*

24           “(B) *on the date of the receipt by the Ad-*  
 25    *ministrator of the request for cancellation, if the*

1           *request for such cancellation was received by the*  
 2           *Administrator after the expiration of the 6-*  
 3           *month period beginning on the effective date of*  
 4           *the new policy.*

5           “(3) *PROHIBITION OF REFUNDS FOR PROP-*  
 6           *ERTIES RECEIVING INCREASED COST OF COMPLIANCE*  
 7           *CLAIMS.—No premium amounts paid for coverage*  
 8           *made available under this title may be refunded pur-*  
 9           *suant to this subsection—*

10           *“(A) with respect to coverage for any prop-*  
 11           *erty for which measures have been implemented*  
 12           *using amounts received pursuant to a claim*  
 13           *under increased cost of compliance coverage*  
 14           *made available pursuant to section 1304(b); or*

15           *“(B) if a claim has been paid or is pending*  
 16           *under the policy term for which the refund is*  
 17           *sought.”.*

## 18           ***TITLE II—MAPPING***

### 19   ***SEC. 201. REAUTHORIZATION OF APPROPRIATIONS FOR NA-*** 20           ***TIONAL FLOOD MAPPING PROGRAM.***

21           *Subsection (f) of section 100216 of the Biggert-Waters*  
 22           *Flood Insurance Reform Act of 2012 (42 U.S.C. 4101(b))*  
 23           *is amended by striking “\$400,000,000 for each of fiscal*  
 24           *years 2013 through 2017” and inserting “\$500,000,000 for*  
 25           *each of fiscal years 2019 through 2023”.*

1 **SEC. 202. NATIONAL FLOOD MAPPING PROGRAM.**

2       (a) *INCLUSION OF CADASTRAL FEATURES IN RATE*  
 3 *MAPS.*—Section 100216(b)(3) of the Biggert-Waters Flood  
 4 *Insurance Reform Act of 2012 (42 U.S.C. 4101b(b)(3)) is*  
 5 *amended—*

6           (1) *in subparagraph (D), by striking “and” at*  
 7 *the end;*

8           (2) *in subparagraph (E), by striking the period*  
 9 *at the end and inserting “; and”; and*

10          (3) *by adding at the end the following:*

11               “(F) cadastral features, including, for each  
 12 cadastral feature—

13                   “(i) the associated parcel identification  
 14 data for such cadastral feature; and

15                   “(ii) to the maximum extent prac-  
 16 ticable, using public and private sector ad-  
 17 dress data, the address of such cadastral  
 18 feature.”.

19       (b) *FORMAT OF RATE MAPS.*—Section 100216(c)(2) of  
 20 *the Biggert-Waters Flood Insurance Reform Act of 2012 (42*  
 21 *U.S.C. 4101b(c)(2)) is amended—*

22           (1) *in subparagraph (B), by striking “and” at*  
 23 *the end;*

24           (2) *in subparagraph (C), by striking the period*  
 25 *at the end and inserting “; and”; and*

26          (3) *by adding at the end the following:*

1           “(D) *spatially accurate in accordance with*  
2           *the common protocols for geospatial data under*  
3           *section 757 of the Geospatial Data Act of 2018*  
4           *(43 U.S.C. 2806).”.*

5           (c) *ADDITIONAL CONSIDERATIONS.—Section 100216 of*  
6           *the Biggert-Waters Flood Insurance Reform Act of 2012 (42*  
7           *U.S.C. 4101b) is amended—*

8           (1) *by redesignating subsection (f) as subsection*  
9           *(m); and*

10          (2) *by inserting after subsection (e) the following:*

11          “(g) *STREAM FLOW NETWORKS.—*

12                 “(1) *IN GENERAL.—The Administrator shall co-*  
13                 *ordinate with the United States Geological Survey for*  
14                 *the sharing of data from stream flow networks critical*  
15                 *to the National Flood Insurance Program, flood risk*  
16                 *mapping, and flood risk assessments, to ensure that—*

17                         “(A) *the stream gage stations in such*  
18                         *stream flow networks are operational and use*  
19                         *modern hardware;*

20                         “(B) *such stream flow networks are suffi-*  
21                         *ciently densified by adding new stream gage sta-*  
22                         *tions in high-risk areas;*

23                         “(C) *inactive critical stream gage stations*  
24                         *in such stream flow networks are reactivated;*  
25                         *and*

1           “(D) the speed of the geospatial real-time  
2           data feeds from such stream gage stations is in-  
3           creased.

4           “(2) DEFINITIONS.—In this subsection:

5           “(A) STREAM FLOW NETWORK.—The term  
6           ‘stream flow network’ means a network of stream  
7           flow gages maintained under the direction of the  
8           United States Geological Survey and its partners  
9           that is used to measure or record the flow of  
10          water down a stream or river, or through an en-  
11          tire watershed system, and transmit such infor-  
12          mation using a geospatial real-time data feed.

13          “(B) STREAM GAGE STATION.—The term  
14          ‘stream gage station’ means a device installed at  
15          the edge of a river or stream that measures or  
16          records the flow of water down the stream and  
17          additional information such as water height,  
18          water chemistry, and water temperature.

19          “(3) RULE OF CONSTRUCTION.—The purpose of  
20          this subsection is to require cooperation between the  
21          Federal Emergency Management Agency and United  
22          States Geological Survey and nothing in this sub-  
23          section may be construed to require or obligate fund-  
24          ing expenditures.



1       “(h) *AVAILABILITY OF DATA TO PUBLIC.*—*The Admin-*  
2       *istrator shall make available to the public on the website*  
3       *of the Federal Emergency Management Agency a national*  
4       *geospatial data repository that—*

5               “(1) *provides access to the raw data used to in-*  
6       *clude the cadastral features and parcel identification*  
7       *data in National Flood Insurance Program rate*  
8       *maps;*

9               “(2) *to the extent that such data is available, al-*  
10       *lows users to view, query, and obtain such data at*  
11       *multiple levels of detail, including down to the prop-*  
12       *erty level;*

13               “(3) *allows users to view flood risks, flood insur-*  
14       *ance zones, and flood elevations;*

15               “(4) *provides access to flood mapping and re-*  
16       *lated information such as—*

17                       “(A) *hydrologic and hydraulic models used*  
18       *in determining flood risk;*

19                       “(B) *structure footprints where available as*  
20       *part of a national structure inventory;*

21                       “(C) *flood depth grids;*

22                       “(D) *flood risk reports;*

23                       “(E) *flood risk assessments (Hazus anal-*  
24       *yses);*

25                       “(F) *hazard mitigation plans; and*

1                   “(G) other flood risk products at the discre-  
2                   tion of the Administrator; and

3                   “(5) maintains and disseminates such data in a  
4                   consistent manner.

5                   “(i) *ENSURING CURRENT DATA.*—Not less frequently  
6                   than once every 5 years, the Administrator shall verify that  
7                   each National Flood Insurance Program rate map contains  
8                   data that is current and credible.

9                   “(j) *QUALIFICATIONS-BASED SELECTION CON-*  
10                  *TRACTING.*—

11                  “(1) *IN GENERAL.*—With respect to a contract  
12                  awarded by the Administrator under this Act, or by  
13                  an entity receiving a grant under this Act, for pro-  
14                  gram management, architectural and engineering  
15                  services, or surveying and mapping, such a contract  
16                  shall be awarded to a contractor selected in accord-  
17                  ance with the procedures described in section 1103 of  
18                  title 40, United States Code (or an applicable equiva-  
19                  lent State qualifications-based statute). The Adminis-  
20                  trator, or entity, as the case may be, shall require  
21                  such contractor, as a condition of such contract, to  
22                  award any subcontract for program management, ar-  
23                  chitectural and engineering services, or surveying and  
24                  mapping in accordance with the procedures described

1       *in the previous sentence, or the applicable equivalent*  
2       *State statute.*

3               “(2) *RELATIONSHIP TO STATE LAW.*—*Nothing in*  
4       *this subsection shall supersede any applicable State*  
5       *licensing law governing professional licensure.*

6               “(3) *DEFINITIONS.*—*In this subsection:*

7                       “(A) *ARCHITECTURAL AND ENGINEERING*  
8       *SERVICES.*—*The term ‘architectural and engi-*  
9       *neering services’ has the meaning given that*  
10       *term in section 1102 of title 40, United States*  
11       *Code.*

12                      “(B) *SURVEYING AND MAPPING.*—*The term*  
13       *‘surveying and mapping’ includes geospatial ac-*  
14       *tivities associated with measuring, locating, and*  
15       *preparing maps, charts, or other graphical or*  
16       *digital presentations depicting natural and*  
17       *man-made physical features, phenomena, and*  
18       *legal boundaries of the earth, including the fol-*  
19       *lowing:*

20                               “(i) *Topographic Engineering Sur-*  
21       *veying, including acquisition of topographic*  
22       *oriented surveying and mapping data for*  
23       *design, construction, master planning, oper-*  
24       *ations, as-built conditions, precise structure*  
25       *stability studies using conventional and*

1           *electronic       instrumentation,       photo-*  
2           *grammetric, LiDAR, remote sensing, iner-*  
3           *tial, satellite, and other manned and un-*  
4           *manned survey methods as applicable.*

5           “(ii) *Hydrographic Engineering Sur-*  
6           *veying, including acquisition of hydro-*  
7           *graphic oriented surveying and mapping*  
8           *data for design, construction, dredging,*  
9           *master planning, operations, and as-built*  
10          *conditions using conventional and electronic*  
11          *instrumentation, and photogrammetric, re-*  
12          *mote sensing, inertial, satellite, side scan*  
13          *sonar, subbottom profiling, and other sur-*  
14          *veying methods, as applicable.*

15          “(iii) *Land Surveying, including prop-*  
16          *erty       and       boundary       surveys,*  
17          *monumentation, marking and posting, and*  
18          *preparation of tract descriptions, using con-*  
19          *ventional, electronic instrumentation, photo-*  
20          *grammetric, inertial, satellite, and other*  
21          *survey methods, as applicable.*

22          “(iv) *Geodetic Surveying, including*  
23          *first, second, and third order horizontal and*  
24          *vertical control surveys, geodetic astronomy,*  
25          *gravity and magnetic surveys using conven-*

1            *tional, electronic instrumentation, photo-*  
2            *grammetric, inertial, satellite, and other*  
3            *survey methods, as applicable.*

4            “(v) *Cartographic Surveying, includ-*  
5            *ing acquisition of topographic and hydro-*  
6            *graphic oriented surveying and mapping*  
7            *data for construction of maps, charts, and*  
8            *similar products for planning, flood anal-*  
9            *ysis, and general use purposes using con-*  
10           *ventional and electronic instrumentation,*  
11           *photogrammetric, inertial, satellite, mobile,*  
12           *terrestrial, and other survey methods, as ap-*  
13           *plicable.*

14           “(vi) *Mapping, charting, and related*  
15           *geospatial database development, including*  
16           *the design, compilation, digitizing, attrib-*  
17           *uting, scribing, drafting, printing and dis-*  
18           *semination of printed or digital map, chart,*  
19           *and related geospatial database products as-*  
20           *sociated with planning, engineering, oper-*  
21           *ations, and related real estate activities*  
22           *using photogrammetric, geographic infor-*  
23           *mation systems, and other manual and*  
24           *computer assisted methods, as applicable.*

25           “(k) *DEFINITIONS.—In this section:*

1           “(1) *CADASTRAL FEATURE*.—The term ‘cadastral  
2           *feature*’ means the geographic elements and features—

3                   “(A) that are independent of elevation, such  
4           as roads, structure footprints, and rivers and  
5           lakes;

6                   “(B) which are represented on maps to show  
7           the true location and size of the elements in rela-  
8           tionship to each other, as they are seen from the  
9           air; and

10                  “(C) that are mapped from LiDAR or aer-  
11           ial photography by employing basic photo-  
12           grammetry.

13           “(2) *PARCEL IDENTIFICATION DATA*.—The term  
14           ‘parcel identification data’ means the information as-  
15           sociated with a parcel of land, including the geo-  
16           graphic location, unique parcel identifier, boundaries,  
17           structures contained within the parcel, zoning classi-  
18           fication, and owner.”.

19   **SEC. 203. FLOOD MAPPING MODERNIZATION AND HOME-**  
20                   **OWNER EMPOWERMENT PILOT PROGRAM.**

21           (a) *IN GENERAL*.—The Administrator of the Federal  
22   Emergency Management Agency shall carry out a pilot pro-  
23   gram to make grants to units of local government to en-  
24   hance the mapping of urban flooding and associated prop-  
25   erty damage and the availability of such mapped data to

1 homeowners, businesses, and units of local government to  
2 enable them to minimize the risk of such flooding.

3 (b) *OBJECTIVES.*—Amounts from grants made under  
4 the pilot program under this section may be used only to  
5 carry out activities to meet the following objectives:

6 (1) *To develop a methodology for assessing urban*  
7 *flood risk through the deployment of technology-based*  
8 *mapping tools that are easily understandable by the*  
9 *public and effectively convey information regarding*  
10 *the level of flood risk.*

11 (2) *To provide structure-specific projections of*  
12 *annual chance flood frequency.*

13 (3) *To provide structure-based flood-risk assess-*  
14 *ments.*

15 (4) *To provide urban flood-risk mitigation pro-*  
16 *gram design.*

17 (5) *To incorporate information regarding cli-*  
18 *mate trends into urban flooding risk assessments.*

19 (6) *To make the information described in this*  
20 *subsection publicly available on the internet through*  
21 *a web-based portal so as to increase transparency re-*  
22 *garding homeowner flood risks, except that the Ad-*  
23 *ministrator may not disclose such information to the*  
24 *public or to a private company in a manner that vio-*

1 *lates section 552a of title 5, United States Code, or*  
2 *any regulation implementing that section.*

3 *(c) ELIGIBLE RECIPIENTS.—*

4 *(1) IN GENERAL.—Grants under the pilot pro-*  
5 *gram under this section may be made only to units*  
6 *of general local government located in urbanized*  
7 *areas, as such term is used by the Bureau of the Cen-*  
8 *sus of the Department of Commerce, having popu-*  
9 *lations exceeding 50,000 or to stormwater manage-*  
10 *ment authorities of such units of general local govern-*  
11 *ment.*

12 *(2) ONE-TIME GRANTS.—A grant under the pilot*  
13 *program under this section may not be made to—*

14 *(A) any unit of general local governmental,*  
15 *or stormwater management authority of a unit*  
16 *of general government, that has previously re-*  
17 *ceived a grant under the pilot program;*

18 *(B) any unit of general local government if*  
19 *the stormwater management agency for such*  
20 *unit has previously received a grant under the*  
21 *pilot program; or*

22 *(C) any stormwater management agency of*  
23 *a unit of general local government if such unit*  
24 *has previously received a grant under the pilot*  
25 *program.*



1           (3) *TREATMENT OF STORMWATER MANAGEMENT*

2           *AUTHORITIES.—In the case of a stormwater manage-*  
3           *ment authority that operates with respect to more*  
4           *than one unit of general local government, the appli-*  
5           *cation of such authority shall be considered for pur-*  
6           *poses of paragraph (2) of this subsection and sub-*  
7           *sections (e), (f), and (g)(1) to be made for the largest*  
8           *unit of general local government for which such au-*  
9           *thority operates. The preceding sentence shall not*  
10          *limit the ability of such authority to carry out activi-*  
11          *ties under the demonstration project in any other ju-*  
12          *risdictions or unit of local government with respect to*  
13          *which the authority operates.*

14          (d) *APPLICATIONS.—To be eligible for a grant under*  
15          *this section a unit of general local government or*  
16          *stormwater management agency shall submit to the Admin-*  
17          *istrator an application in such form and containing such*  
18          *information as the Administrator shall require.*

19          (e) *SELECTION OF RECIPIENTS.—*

20                  (1) *ANNUAL SELECTION.—Subject to paragraph*  
21          (2) *and to the submission of approvable applications,*  
22          *in each fiscal year for which amounts are made avail-*  
23          *able for grants under the pilot program under this*  
24          *section the Administrator shall select, from among ap-*  
25          *plications submitted under subsection (d) for such fis-*

1        *cal year, 3 units of general government or stormwater*  
 2        *management authorities to receive grants under the*  
 3        *pilot program under this section.*

4            (2) *AGGREGATE LIMIT.*—*Subject only to the sub-*  
 5        *mission of approvable applications, the Administrator*  
 6        *shall select, in the aggregate over the entire duration*  
 7        *of the pilot program under this section, 12 units of*  
 8        *general government or stormwater management au-*  
 9        *thorities to receive grants under the pilot program, as*  
 10       *follows:*

11            (A) *TIER 1.*—*Three of the applicants se-*  
 12        *lected shall be units of general local government,*  
 13        *or stormwater management authorities for such*  
 14        *units, having a population exceeding 800,000, as*  
 15        *follows:*

16            (i) *PELAGIC COASTAL CITY.*—*One shall*  
 17        *be a unit of general local government, or*  
 18        *stormwater authority for such a unit, that*  
 19        *is a pelagic unit.*

20            (ii) *NON-PELAGIC COASTAL CITY.*—*One*  
 21        *shall be unit of general local government, or*  
 22        *stormwater authority for such a unit, that*  
 23        *is a coastal unit, but not a pelagic unit.*

24            (iii) *NON-COASTAL CITY.*—*One shall be*  
 25        *unit of general local government, or*

1                    *stormwater authority for such a unit, that*  
2                    *is not a coastal unit.*

3                    *(B) TIER 2.—Six of the applicants selected*  
4                    *shall be units of general local government, or*  
5                    *stormwater management authorities for such*  
6                    *units, having a population exceeding 200,000*  
7                    *but not exceeding 800,000, as follows:*

8                    *(i) COASTAL CITIES.—Three shall be*  
9                    *units of general local government, or*  
10                   *stormwater management authorities for*  
11                   *such units, that are coastal units.*

12                   *(ii) NON-COASTAL CITIES.—Three shall*  
13                   *be units of general local government, or*  
14                   *stormwater management authorities for*  
15                   *such units, that are not coastal units.*

16                   *(C) TIER 3.—Three of the applicants se-*  
17                   *lected shall be units of general local government,*  
18                   *or stormwater management authorities for such*  
19                   *units, having a population exceeding 50,000 but*  
20                   *not exceeding 200,000.*

21                   *(f) PRIORITY.—*

22                   *(1) IN GENERAL.—The Administrator shall select*  
23                   *applicants for grants under the pilot program under*  
24                   *this section based on the extent to which their appli-*

1        *cations will achieve the objectives set forth in sub-*  
2        *section (b).*

3            (2) *TIERS 2 AND 3.*—*In selecting applicants to*  
4        *receive grants under the pilot program under this sec-*  
5        *tion pursuant to subparagraphs (B) and (C) of sub-*  
6        *section (e)(2), the Administrator shall give priority to*  
7        *applicants—*

8            (A) *that are highly vulnerable to sea level*  
9        *rise;*

10          (B) *within which are located a military in-*  
11        *stallation or other facility relating to national*  
12        *security concerns; or*

13          (C) *that have a population that is highly*  
14        *vulnerable to urban flooding and have an uneven*  
15        *capacity for flood mitigation and response efforts*  
16        *resulting from socioeconomic factors.*

17        (g) *AMOUNT.*—

18          (1) *CONSIDERATIONS.*—*In determining the*  
19        *amount of grant under the pilot program under this*  
20        *section, the Administrator shall consider the popu-*  
21        *lation of the grant recipient, which may be considered*  
22        *in terms of the tier under subsection (e)(2) of the re-*  
23        *ipient.*

24          (2) *FEDERAL SHARE.*—*The amount of a grant*  
25        *under the pilot program under this section may not*

1        *exceed 75 percent of the total cost of the activities*  
2        *under subsection (b) to be carried out using the grant*  
3        *amounts.*

4        *(h) DURATION.—The Administrator shall require each*  
5        *recipient of a grant under the pilot program under this sec-*  
6        *tion to complete the activities under subsection (b) to be*  
7        *carried out using the grant amounts before the expiration*  
8        *of the 18-month period beginning upon the initial receipt*  
9        *of grant amounts under the pilot program.*

10       *(i) USE OF CENSUS DATA.—The Administrator shall*  
11       *make all determinations under the pilot program regarding*  
12       *population using the most recent available data from the*  
13       *decennial census.*

14       *(j) GRANTEE REPORTS TO FEMA.—Each recipient of*  
15       *a grant under the pilot program under this section shall,*  
16       *not later than the expiration of the 30-month period begin-*  
17       *ning upon the initial receipt of any such grant amounts,*  
18       *submit to the Administrator a report that describes—*

19                *(1) the activities carried out with amounts from*  
20        *the grant;*

21                *(2) how the activities carried out with such*  
22        *grant amounts have met the objectives described in*  
23        *subsection (b); and*

24                *(3) any lessons learned in carrying out such ac-*  
25        *tivities and any recommendations for future mapping*

1       *modernization efforts by the Federal Emergency Man-*  
2       *agement Agency.*

3       *(k) BIENNIAL REPORTS BY FEMA.—Not later than the*  
4       *expiration of the 24-month period beginning on the date*  
5       *of the enactment of this Act, and not later than the expira-*  
6       *tion of each successive 24-month period thereafter until the*  
7       *completion of all activities carried out with amounts from*  
8       *grants under the pilot program under this section, the Ad-*  
9       *ministrator shall submit to the Congress and make avail-*  
10      *able to the public on an internet website a report that—*

11               *(1) describes—*

12                       *(A) the progress of the activities carried out*  
13                       *with amounts from such grants; and*

14                       *(B) the effectiveness of technology-based*  
15                       *mapping tools used in carrying out the activities*  
16                       *described in subparagraph (A); and*

17               *(2) with respect to the final report that the Ad-*  
18       *ministrator is required to submit under this sub-*  
19       *section, includes recommendations to the Congress*  
20       *and the executive branch of the Federal Government*  
21       *for implementing strategies, practices, and tech-*  
22       *nologies to mitigate the effects of urban flooding.*

23       *(l) SENSE OF CONGRESS.—It is the sense of the Con-*  
24       *gress that, because the pilot program is limited with respect*  
25       *to scope and resources, communities that participate in the*

1 *pilot program should acknowledge that the most successful*  
2 *efforts to mitigate the effects of urban flooding—*

3 *(1) take a structural-based mitigation approach*  
4 *with respect to construction, which includes—*

5 *(A) recognizing any post-storm damage that*  
6 *may occur; and*

7 *(B) pursuing designs that proactively mini-*  
8 *mize future flood damage;*

9 *(2) make individuals in the community aware,*  
10 *through any cost-effective and available means of edu-*  
11 *cation, of the best approaches regarding the construc-*  
12 *tion of properties that are able to survive floods,*  
13 *which reduces the cost of future repairs; and*

14 *(3) encourage home and property owners to con-*  
15 *sider the measures described in paragraphs (1) and*  
16 *(2), which are the most cost-effective and prudent*  
17 *ways to reduce the impact of flooding, when con-*  
18 *structing or renovating building components.*

19 *(m) DEFINITIONS.—For purposes of this section, the*  
20 *following definitions shall apply:*

21 *(1) ADMINISTRATOR.—The term “Adminis-*  
22 *trator” means the Administrator of the Federal*  
23 *Emergency Management Agency.*

1           (2) *COASTAL*.—The term “coastal” means, with  
2           respect to a unit of general local government, that the  
3           unit borders a body of water that—

4                   (A) exceeds 2,000 square miles in size; and

5                   (B) is not a river.

6           (3) *PELAGIC*.—The term “pelagic” means, with  
7           respect to a unit of general local government, that the  
8           unit is a coastal unit and the body of water that the  
9           unit borders is an ocean or other large, open body of  
10          water (including bays and gulfs) that empties into an  
11          ocean.

12          (4) *URBAN FLOODING*.—

13                   (A) *IN GENERAL*.—The term “urban flood-  
14                   ing” means the inundation of property in a  
15                   built environment, particularly in more densely  
16                   populated areas, caused either by falling rain  
17                   collecting on impervious surfaces or increasing  
18                   the levels of nearby water bodies and over-  
19                   whelming the capacity of drainage systems, such  
20                   as storm sewers, including—

21                           (i) situations in which stormwater en-  
22                           ters buildings through windows, doors, or  
23                           other openings;

24                           (ii) water backup through sewer pipes,  
25                           showers, toilets, sinks, and floor drains;



1                   (iii) seepage through walls and floors;

2                   (iv) the accumulation of water on  
3                   property or public rights-of-way; and

4                   (v) the overflow from water bodies,  
5                   such as rivers, lakes, and oceans.

6                   (B) *EXCLUSION*.—Such term does not in-  
7                   clude flooding in undeveloped or agricultural  
8                   areas.

9                   (n) *FUNDING*.—There is authorized to be appropriated  
10                  for grants under the pilot program under this section—

11                   (1) \$1,200,000 for fiscal year 2020; and

12                   (2) \$4,300,000 for fiscal year 2021, to remain  
13                  available through 2023.

14   **SEC. 204. MAPPING IMPROVEMENTS AND REACH.**

15                  (a) *EXPANDING MAPPING TO ALL AREAS OF THE*  
16                  *UNITED STATES*.—Subparagraph (A) of section  
17                  100216(b)(1) of the Biggert-Waters Flood Insurance Reform  
18                  Act of 2012 (42 U.S.C. 4101b(b)(1)(A)) is amended—

19                   (1) in clause (v), by striking “and” at the end;

20                   (2) by redesignating clause (vi) as clause (vii);

21                  and

22                   (3) by inserting after clause (v) the following:

23                               “(vi) all areas of the United States;

24                               and”.

1       (b) *USE OF OTHER FEDERAL AGENCIES AND*  
2 *LIDAR.*—Section 100216 of the Biggert-Waters Flood In-  
3 *surance Reform Act of 2012 (42 U.S.C. 4101b) is amend-*  
4 *ed—*

5           (1) *in subsection (b)(1)—*

6               (A) *by redesignating subparagraphs (B)*  
7 *and (C) as subparagraphs (C) and (D), respec-*  
8 *tively;*

9               (B) *by inserting after subparagraph (A) the*  
10 *following:*

11                   “(B) *as soon as practicable—*

12                       “(i) *modernize the flood mapping in-*  
13 *ventory for communities for which the Na-*  
14 *tional Flood Insurance Program rate maps*  
15 *have not been modernized; and*

16                       “(ii) *in coordination with commu-*  
17 *nities, utilize the digital display environ-*  
18 *ment established under subsection (f)(1)(A)*  
19 *to produce, store, and disseminate any flood*  
20 *hazard data, models, and maps generated*  
21 *under clause (i) while ensuring that the*  
22 *flood mapping inventory described in that*  
23 *clause may be printed in order to carry*  
24 *out—*

1                   “(I) floodplain management pro-  
2                   grams under the National Flood Insur-  
3                   ance Act of 1968 (42 U.S.C. 4001 et  
4                   seq.); and

5                   “(II) other purposes of the Na-  
6                   tional Flood Insurance Program;”;

7                   (C) in subparagraph (C), as so redesign-  
8                   ated, by striking “and” at the end;

9                   (D) in subparagraph (D), as so redesign-  
10                  ated, by striking the period at the end and in-  
11                  serting “, and including the most current and  
12                  most appropriate remote sensing or other  
13                  geospatial mapping technology;”;

14                  (E) by adding at the end the following:

15                  “(E) when appropriate, partner with other  
16                  Federal agencies, States, communities, and pri-  
17                  vate entities in order to meet the objectives of the  
18                  program; and

19                  “(F) when appropriate, consult and coordi-  
20                  nate with the Secretary of Defense, the Director  
21                  of the United States Geological Survey, and the  
22                  Administrator of the National Oceanic and At-  
23                  mospheric Administration to obtain the most up-  
24                  to-date maps and other information of those  
25                  agencies, including information relating to to-

1        *pography, water flow, watershed characteristics,*  
 2        *and any other issues that are relevant to identi-*  
 3        *fying, reviewing, updating, maintaining, and*  
 4        *publishing National Flood Insurance Program*  
 5        *rate maps.”;*

6        *(2) by inserting after subsection (e) the following*  
 7        *new subsection:*

8        *“(f) DIGITAL DISPLAY ENVIRONMENT AND BUILDING-*  
 9        *SPECIFIC FLOOD HAZARD AND RISK INFORMATION.—*

10        *“(1) ESTABLISHMENT.—*

11                *“(A) IN GENERAL.—Not later than 5 years*  
 12        *after the date of enactment of the National Flood*  
 13        *Insurance Program Reauthorization Act of 2019,*  
 14        *the Administrator, in consultation with the*  
 15        *Technical Mapping Advisory Council, shall es-*  
 16        *tablish, as part of a national structure inven-*  
 17        *tory, a dynamic, database-derived digital dis-*  
 18        *play environment for flood hazard and risk data,*  
 19        *models, maps, and assessments.*

20                *“(B) CONSULTATION WITH STATES AND*  
 21        *COMMUNITIES.—In designing and constructing*  
 22        *the digital display environment under subpara-*  
 23        *graph (A), the Administrator shall—*

1           “(i) leverage and partner with States  
2           and communities that have successfully im-  
3           plemented the same approach; and

4           “(ii) consider adopting the techniques  
5           and technologies used by the States and  
6           communities described in clause (i) and ap-  
7           plying those techniques and technologies na-  
8           tionwide.

9           “(2) *DIGITAL DISPLAY SYSTEM.*—

10           “(A) *IN GENERAL.*—In carrying out para-  
11           graph (1), the Administrator, in consultation  
12           with the Technical Mapping Advisory Council,  
13           shall establish a national digital display system  
14           that shall—

15           “(i) be prompted through dynamic  
16           querying of a spatial, relational flood haz-  
17           ard and risk database;

18           “(ii) as permissible under law, be  
19           made available to the public;

20           “(iii) to the extent feasible, and where  
21           sufficient data is available, provide infor-  
22           mation, with respect to individual struc-  
23           tures, regarding—

24           “(I) flood hazard and risk assess-  
25           ment determinations;

1 “(II) flood insurance; and

2 “(III) flood risk mitigation ef-  
3 forts;

4 “(iv) be constructed in a manner that  
5 facilitates coordination with digital display  
6 systems that—

7 “(I) have been developed by State  
8 and community partners; and

9 “(II) the Administrator finds are  
10 acceptable;

11 “(v) include the capability to print  
12 physical copies of maps; and

13 “(vi) where feasible, allow for the  
14 maintenance and storage of elevation cer-  
15 tificates.

16 “(B) *PRIVACY REQUIREMENTS.*—The Ad-  
17 ministrator may not disseminate the database  
18 described in subparagraph (A)(i), including any  
19 data used to create that database, to the public  
20 or to a private company in a manner that vio-  
21 lates section 552a of title 5, United States Code,  
22 or any regulation implementing that section.”;

23 (3) by inserting after subsection (k), as added by  
24 the preceding provisions of this Act, the following:

1       “(l) *ANNUAL REPORT.*—*The Administrator, in coordi-*  
2       *nation with the Technical Mapping Advisory Council estab-*  
3       *lished under section 100215 of this Act, shall submit to the*  
4       *Committee on Financial Services of the House of Represent-*  
5       *atives and the Committee on Banking, Housing, and Urban*  
6       *Affairs of the Senate an annual report regarding progress*  
7       *achieved in the mapping program under this section, in-*  
8       *cluding the digital display and structure-specific informa-*  
9       *tion required under subsection (f), which shall include rec-*  
10      *ommendations to reduce the cost and improve the imple-*  
11      *mentation of that subsection.”.*

12      (c) *FUTURE FLOOD RISK.*—*Section 100216(d) of the*  
13      *Biggert-Waters Flood Insurance Reform Act of 2012 (42*  
14      *U.S.C. 4101b) is amended by adding at the end the fol-*  
15      *lowing:*

16               “(3) *FUTURE FLOOD RISK.*—*The Administrator*  
17      *shall, in consultation with the Technical Mapping*  
18      *Council established under section 100215, provide fi-*  
19      *nancial and technical assistance to communities to*  
20      *incorporate future flood hazard conditions as an in-*  
21      *formational layer on their Flood Insurance Rate*  
22      *Maps.”.*

1 **SEC. 205. APPEALS REGARDING EXISTING FLOOD MAPS.**

2 (a) *IN GENERAL.*—Section 1360 of the National Flood  
3 Insurance Act of 1968 (42 U.S.C. 4101) is amended by add-  
4 ing at the end the following new subsection:

5 “(k) *APPEALS OF EXISTING MAPS.*—

6 “(1) *RIGHT TO APPEAL.*—A State or local gov-  
7 ernment, or the owner or lessee of real property, who  
8 has made a formal request to the Administrator to  
9 update a flood map that the Administrator has de-  
10 nied may at any time appeal such a denial as pro-  
11 vided in this subsection.

12 “(2) *BASIS FOR APPEAL.*—The basis for appeal  
13 under this subsection shall be the possession of knowl-  
14 edge or information that—

15 “(A) the base flood elevation level or des-  
16 ignation of any aspect of a flood map is scientif-  
17 ically or technically inaccurate; or

18 “(B) factors exist that mitigate the risk of  
19 flooding, including ditches, banks, walls, vegeta-  
20 tion, levees, lakes, dams, reservoirs, basin, reten-  
21 tion ponds, and other natural or manmade topo-  
22 graphical features.

23 “(3) *APPEALS PROCESS.*—

24 “(A) *ADMINISTRATIVE ADJUDICATION.*—An  
25 appeal under this subsection shall be determined



1           *by a final adjudication on the record, and after*  
2           *opportunity for an administrative hearing.*

3           “(B) *RIGHTS UPON ADVERSE DECISION.—If*  
4           *an appeal pursuant to subparagraph (A) does*  
5           *not result in a decision in favor of the State,*  
6           *local government, owner, or lessee, such party*  
7           *may appeal the adverse decision to the Scientific*  
8           *Resolution Panel provided for in section 1363A,*  
9           *which shall recommend a non-binding decision*  
10          *to the Administrator.*

11          “(4) *RELIEF.—*

12           “(A) *WHOLLY SUCCESSFUL APPEALS.—In*  
13           *the case of a successful appeal resulting in a pol-*  
14           *icyholder’s property being removed from a spe-*  
15           *cial flood hazard area, such policyholder may*  
16           *cancel the policy at any time within the current*  
17           *policy year, and the Administrator shall provide*  
18           *such policyholder a refund in the amount of any*  
19           *premiums paid for such policy year, plus any*  
20           *premiums paid for flood insurance coverage that*  
21           *the policyholder was required to purchase or*  
22           *maintain during the 2-year period preceding*  
23           *such policy year.*

24           “(B) *PARTIALLY SUCCESSFUL APPEALS.—*  
25           *In the case of any appeal in which mitigating*

1        *factors were determined to have reduced, but not*  
2        *eliminated, the risk of flooding, the Adminis-*  
3        *trator shall reduce the amount of flood insurance*  
4        *coverage required to be maintained for the prop-*  
5        *erty concerned by the ratio of the successful por-*  
6        *tion of the appeal as compared to the entire ap-*  
7        *peal. The Administrator shall refund to the pol-*  
8        *icyholder any payments made in excess of the*  
9        *amount necessary for such new coverage amount,*  
10       *effective from the time when the mitigating fac-*  
11       *tor was created or the beginning of the second*  
12       *policy year preceding the determination of the*  
13       *appeal, whichever occurred later.*

14            *“(C) ADDITIONAL RELIEF.—The Adminis-*  
15        *trator may provide additional refunds in excess*  
16        *of the amounts specified in subparagraphs (A)*  
17        *and (B) if the Administrator determines that*  
18        *such additional amounts are warranted.*

19            *“(5) RECOVERY OF COSTS.—When, incident to*  
20        *any appeal which is successful in whole or part re-*  
21        *garding the designation of the base flood elevation or*  
22        *any aspect of the flood map, including elevation or*  
23        *designation of a special flood hazard area, the com-*  
24        *munity, or the owner or lessee of real property, as the*  
25        *case may be, incurs expense in connection with the*

1        *appeal, including services provided by surveyors, en-*  
2        *gineers, and scientific experts, the Administrator shall*  
3        *reimburse such individual or community for reason-*  
4        *able expenses to an extent measured by the ratio of*  
5        *the successful portion of the appeal as compared to*  
6        *the entire appeal, but not including legal services, in*  
7        *the effecting of an appeal based on a scientific or*  
8        *technical error on the part of the Federal Emergency*  
9        *Management Agency. No reimbursement shall be*  
10       *made by the Administrator in respect to any fee or*  
11       *expense payment, the payment of which was agreed to*  
12       *be contingent upon the result of the appeal. The Ad-*  
13       *ministrator may use such amounts from the National*  
14       *Flood Insurance Fund established under section 1310*  
15       *as may be necessary to carry out this paragraph.*

16            *“(6) GUIDANCE.—The Administrator shall issue*  
17        *guidance to implement this subsection, which shall*  
18        *not be subject to the notice and comment requirements*  
19        *under section 553 of title 5, United States Code.”.*

20            *(b) DEADLINE.—The Administrator of the Federal*  
21        *Emergency Management Agency shall issue the guidance re-*  
22        *ferred to section 1360(k)(6) of the National Flood Insurance*  
23        *Act of 1968 (42 U.S.C. 4101(k)(7)), as added by the amend-*  
24        *ment made by subsection (a) of this section, not later than*

1 *the expiration of the 6-month period beginning on the date*  
 2 *of the enactment of this Act.*

3 **SEC. 206. APPEALS AND PUBLICATION OF PROJECTED SPE-**  
 4 **CIAL FLOOD HAZARD AREAS.**

5 *(a) APPEALS.—Section 1363 of the National Flood In-*  
 6 *surance Act of 1968 (42 U.S.C. 4104) is amended—*

7 *(1) in subsection (b), by striking the second sen-*  
 8 *tence and inserting the following: “Any owner or les-*  
 9 *see of real property within the community who be-*  
 10 *lieves the owner’s or lessee’s rights to be adversely af-*  
 11 *ected by the Administrator’s proposed determination*  
 12 *may appeal such determination to the local govern-*  
 13 *ment no later than 90 days after the date of the sec-*  
 14 *ond publication.”;*

15 *(2) in subsection (d), by striking “subsection (e)”*  
 16 *and inserting “subsection (f)”;*

17 *(3) by redesignating subsections (e), (f), and (g)*  
 18 *as subsections (f), (g), and (h), respectively; and*

19 *(4) by inserting after subsection (d) the following*  
 20 *new subsection:*

21 *“(e) DETERMINATION BY ADMINISTRATOR IN THE AB-*  
 22 *SENCE OF APPEALS.—If the Administrator has not received*  
 23 *any appeals, upon expiration of the 90-day appeal period*  
 24 *established under subsection (b) of this section the Adminis-*  
 25 *trator’s proposed determination shall become final. The*

1 *community shall be given a reasonable time after the Ad-*  
 2 *ministrator’s final determination in which to adopt local*  
 3 *land use and control measures consistent with the Adminis-*  
 4 *trator’s determination.”.*

5 (b) *PUBLICATION.*—Subsection (a) of section 1363 of  
 6 *the National Flood Insurance Act of 1968 (42 U.S.C.*  
 7 *4104(a)) is amended by striking “in the Federal Register”.*

8 **SEC. 207. COMMUNICATION AND OUTREACH REGARDING**  
 9 **MAP CHANGES.**

10 *Paragraph (1) of section 100216(d) of the Biggert-*  
 11 *Waters Flood Insurance Reform Act of 2012 (42 U.S.C.*  
 12 *4101b(d)(1)) is amended—*

13 (1) *in subparagraph (B), by inserting “max-*  
 14 *imum” before “30-day period”; and*

15 (2) *in subparagraph (C), by inserting “max-*  
 16 *imum” before “30-day period”.*

17 **SEC. 208. ADOPTION OF PARTIAL FLOOD MAPS.**

18 *Subsection (f) of section 1360 of the National Flood*  
 19 *Insurance Act of 1968 (42 U.S.C. 4101(f)) is amended by*  
 20 *adding at the end the following new flush matter:*

21 *“Panels of the revised flood insurance rate maps for which*  
 22 *no appeal has been submitted during the 90-day period re-*  
 23 *ferred to in subsection (b) shall be considered final.”.*

1 **SEC. 209. NEW ZONE FOR LEVEE-IMPACTED AREAS.**

2       *Section 1360 of the National Flood Insurance Act of*  
 3 *1968 (42 U.S.C. 4101), as amended by the preceding provi-*  
 4 *sions of this Act, is further amended by adding at the end*  
 5 *the following:*

6       “(l) *LEVEE-IMPACTED AREAS.*—

7               “(1) *IN GENERAL.*—Subject to full implementa-  
 8 *tion of subparagraphs (A)(iii) and (B) of section*  
 9 *100216(b)(1) of the Biggert-Waters Flood Insurance*  
 10 *Reform Act of 2012 (42 U.S.C. 4101b(b)(1)) and not-*  
 11 *withstanding any other provision of law, if a commu-*  
 12 *nity applies to the Administrator for the remapping*  
 13 *of a levee-impacted area in which the pertinent levee*  
 14 *system fails to meet the minimum design, operation,*  
 15 *and maintenance standards of the National Flood In-*  
 16 *surance Program required for levee accreditation on*  
 17 *a flood insurance rate map in accordance with the*  
 18 *Levee Analysis Mapping Procedure initiated by the*  
 19 *Administrator to replace the ‘without levees’ approach*  
 20 *to a Flood Insurance Study, the Administrator*  
 21 *shall—*

22               “(A) *establish flood risk zones for those*  
 23 *levee-impacted areas on such maps, to be known*  
 24 *as ‘AL-E zones’, that have an established ele-*  
 25 *vation for community floodplain management;*  
 26 *and*

1           “(B) make flood insurance available to  
 2           properties located within those levee-impacted  
 3           areas.

4           “(2) *TRANSITION.*—During the period beginning  
 5           on the date of enactment of this subsection and ending  
 6           on the date on which the Administrator develops rates  
 7           for the various AL-E zones, a structure located in a  
 8           portion of a community that is located within a levee-  
 9           impacted area described in paragraph (1) shall be eli-  
 10          gible for rates associated with areas of moderate flood  
 11          hazards.”.

12 **SEC. 210. AGRICULTURAL STRUCTURES IN SPECIAL FLOOD**  
 13 **HAZARD ZONES.**

14          (a) *REQUIREMENTS FOR STATE AND LOCAL LAND USE*  
 15 *CONTROLS.*—Subsection (a) of section 1315 of the National  
 16 *Flood Insurance Act of 1968 (42 U.S.C. 4022(a))* is amend-  
 17 *ed by adding at the end the following new paragraph:*

18           “(3) *ALLOWABLE LOCAL VARIANCES FOR CER-*  
 19 *TAIN AGRICULTURAL STRUCTURES.*—

20           “(A) *REQUIREMENT.*—Notwithstanding any  
 21          other provision of this Act—

22           “(i) the land use and control measures  
 23          adopted pursuant to paragraph (1) may  
 24          not, for purposes of such paragraph, be con-  
 25          sidered to be inadequate or inconsistent

1           *with the comprehensive criteria for land*  
2           *management and use under section 1361 be-*  
3           *cause such measures provide that, in the*  
4           *case of any agricultural structure that is lo-*  
5           *cated in an area having special flood haz-*  
6           *ards, a variance from compliance with the*  
7           *requirements to elevate or floodproof such a*  
8           *structure and meeting the requirements of*  
9           *subparagraph (B) may be granted; and*

10           *“(ii) the Administrator may not sus-*  
11           *pend a community from participation in*  
12           *the national flood insurance program, or*  
13           *place such a community on probation under*  
14           *such program, because such land use and*  
15           *control measures provide for such a vari-*  
16           *ance.*

17           *This subparagraph shall not limit the ability of*  
18           *the Administrator to take enforcement action*  
19           *against a community that does not adopt ade-*  
20           *quate variance criteria or establish proper en-*  
21           *forcement mechanisms.*

22           *“(B) VARIANCE; CONSIDERATIONS.—The re-*  
23           *quirements of this subparagraph with respect to*  
24           *a variance are as follows:*



1           “(i) *The variance is granted by an of-*  
2           *ficial from a duly constituted State or local*  
3           *zoning authority, or other authorized public*  
4           *body responsible for regulating land devel-*  
5           *opment or occupancy in flood-prone areas.*

6           “(ii) *In the case of new construction,*  
7           *such official has determined—*

8                     “(I) *that neither floodproofing nor*  
9                     *elevation of the new structure to the*  
10                    *base flood elevation is practicable; and*

11                   “(II) *that the structure is not lo-*  
12                   *cated in—*

13                             “(aa) *a designated regulatory*  
14                             *floodway;*

15                             “(bb) *an area riverward of a*  
16                             *levee or other flood control struc-*  
17                             *ture; or*

18                             “(cc) *an area subject to high*  
19                             *velocity wave action or seaward of*  
20                             *flood control structures.*

21           “(iii) *In the case of existing struc-*  
22           *tures—*

23                     “(I) *if such structure is substan-*  
24                     *tially damaged or in need of substan-*  
25                     *tial repairs or improvements, such offi-*

1           cial has determined that neither  
2           floodproofing nor elevation to the base  
3           flood elevation is practicable; and

4                   “(II) if such structure is located  
5           within a designated regulatory flood-  
6           way, such official has determined that  
7           the repair or improvement does not re-  
8           sult in any increase in base flood levels  
9           during the base flood discharge.

10                   “(iv) Such official has determined that  
11           the variance will not result in increased  
12           flood heights, additional threats to public  
13           safety, extraordinary public expense, create  
14           nuisances, cause fraud on or victimization  
15           of the public, or conflict with existing local  
16           laws or ordinances.

17                   “(v) Not more than one claim payment  
18           exceeding \$1,000 has been made for the  
19           structure under flood insurance coverage  
20           under this title within any period of 10  
21           consecutive years at any time prior to the  
22           granting of the variance.

23                   “(C) DEFINITIONS.—For purposes of this  
24           paragraph, the following definitions shall apply:

1                   “(i) *AGRICULTURAL STRUCTURE*.—The  
 2                   term ‘agricultural structure’ has the mean-  
 3                   ing given such term in paragraph (2)(D).

4                   “(ii) *FLOODPROOFING*.—The term  
 5                   ‘floodproofing’ means, with respect to a  
 6                   structure, any combination of structural  
 7                   and non-structural additions, changes, or  
 8                   adjustments to the structure, including at-  
 9                   tendant utilities and equipment, that reduce  
 10                  or eliminate potential flood damage to real  
 11                  estate or improved real property, water and  
 12                  sanitary facilities, structures, or their con-  
 13                  tents.”.

14           (b) *PREMIUM RATES*.—Section 1308 of the National  
 15           Flood Insurance Act of 1968 (42 U.S.C. 4015) is amended  
 16           by adding at the end the following new subsection:

17           “(n) *PREMIUM RATES FOR CERTAIN AGRICULTURAL*  
 18           *STRUCTURES WITH VARIANCES*.—Notwithstanding any  
 19           other provision of this Act, the chargeable premium rate for  
 20           coverage under this title for any structure provided a vari-  
 21           ance pursuant to section 1315(a)(3) shall be the same as  
 22           the rate that otherwise would apply to such structure if the  
 23           structure had been dry floodproofed or a comparable actu-  
 24           arial rate based upon the risk associated with structures

1 *within the applicable AL-E zone established under section*  
 2 *1360(l).”.*

3 **SEC. 211. TECHNICAL MAPPING ADVISORY COUNCIL.**

4 *Paragraph (1) of section 100215(b) of the Biggert-*  
 5 *Waters Flood Insurance Reform Act of 2012 (42 U.S.C.*  
 6 *4101a(b)(1)) is amended—*

7 *(1) by redesignating subparagraphs (A) through*  
 8 *(E) as subparagraphs (B) through (F), respectively;*

9 *(2) by inserting before subparagraph (B), as so*  
 10 *redesignated by subparagraph (A) of this paragraph,*  
 11 *the following new subparagraph:*

12 *“(A) the Director of the United States Geo-*  
 13 *logical Survey;”;* and

14 *(3) in subparagraph (F), as so redesignated by*  
 15 *paragraph (1) of this section—*

16 *(A) in the matter preceding clause (i), by*  
 17 *striking “16” and inserting “17”;*

18 *(B) in clause (xiii), by striking “and” at*  
 19 *the end;*

20 *(C) in clause (xiv), by striking the period at*  
 21 *the end and inserting “; and”;* and

22 *(D) by adding at the end the following new*  
 23 *clause:*

24 *“(xv) a member of a recognized profes-*  
 25 *sional real estate brokerage association.*

# **TITLE III—MITIGATION**

## **SEC. 301. INCREASED COST OF COMPLIANCE COVERAGE.**

*Section 1304(b) of the National Flood Insurance Act of 1968 (42 U.S.C. 4011(b)) is amended—*

*(1) in paragraph (4), by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively;*

*(2) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively (and by adjusting the margins accordingly);*

*(3) in subparagraph (C) as so redesignated, by striking the period at the end and inserting a semicolon;*

*(4) by redesignating paragraph (4) as subparagraph (E) (and by adjusting the margin accordingly);*

*(5) by inserting after subparagraph (C), as so redesignated, the following:*

*“(D) properties identified by the Administrator as priorities for mitigation activities before the occurrence of damage to or loss of property which is covered by flood insurance; and”;*

*(6) by inserting before “The national flood insurance program” the following;*

*“(1) IN GENERAL.—”.*

1           (7) by striking “The Administrator” and insert-  
2           ing the following:

3           “(2) *PREMIUM.—The Administrator*”; and

4           (8) by adding at the end the following new para-  
5           graphs:

6           “(3) *AMOUNT OF COVERAGE.—Each policy for*  
7           *flood insurance coverage made available under this*  
8           *title shall provide coverage under this subsection hav-*  
9           *ing an aggregate liability for any single property of*  
10          *\$60,000.*

11          “(4) *ELIGIBLE MITIGATION ACTIVITIES.—*

12                 “(A) *IN GENERAL.—Eligible mitigation*  
13                 *methods the cost of which is covered by coverage*  
14                 *provided under this subsection shall include—*

15                         “(i) *alternative methods of mitigation*  
16                         *identified in the guidelines issued pursuant*  
17                         *to section 1361(d);*

18                         “(ii) *pre-disaster mitigation projects*  
19                         *for eligible structures (as such term is de-*  
20                         *finied in subparagraph (C)); and*

21                         “(iii) *costs associated with the pur-*  
22                         *chase, clearing, and stabilization of prop-*  
23                         *erty that is part of an acquisition or reloca-*  
24                         *tion program that complies with subpara-*  
25                         *graph (B).*

1                   “(B) ACQUISITION AND RELOCATION  
2 PROJECT ELIGIBILITY AND REQUIREMENTS.—

3                   “(i) IN GENERAL.—An acquisition or  
4 relocation project shall be eligible to receive  
5 assistance pursuant to subparagraph  
6 (A)(iii) only if—

7                   “(I) any property acquired, ac-  
8 cepted, or from which a structure will  
9 be removed shall be dedicated and  
10 maintained in perpetuity for a use  
11 that is compatible with open space,  
12 recreational, or wetlands management  
13 practices; and

14                   “(II) any new structure erected on  
15 such property will be—

16                   “(aa) a public facility that is  
17 open on all sides and functionally  
18 related to a designated open  
19 space;

20                   “(bb) a restroom; or

21                   “(cc) a structure that the Ad-  
22 ministrator approves in writing  
23 before the commencement of the  
24 construction of the structure.

1           “(ii) *FURTHER ASSISTANCE.*—*If an*  
 2           *acquisition or relocation project is assisted*  
 3           *pursuant to subparagraph (A)(iii)—*

4                   “(I) *no person may apply to a*  
 5                   *Federal entity for disaster assistance*  
 6                   *with regard to any property acquired,*  
 7                   *accepted, or from which a structure*  
 8                   *was removed as part of such acquisi-*  
 9                   *tion or relocation project; and*

10                   “(II) *no Federal entity may pro-*  
 11                   *vide disaster assistance for such prop-*  
 12                   *erty.*

13           “(iii) *REQUIREMENT TO MAINTAIN*  
 14           *FLOOD INSURANCE COVERAGE.*—

15                   “(I) *IN GENERAL.*—*Notwith-*  
 16                   *standing any other provision of law,*  
 17                   *any assisted structure (as such term is*  
 18                   *defined in subclause (III)) shall, at all*  
 19                   *times, maintain insurance against*  
 20                   *flood damage, in accordance with Fed-*  
 21                   *eral law, for the life of such structure.*

22                   “(II) *TRANSFER OF PROPERTY.*—

23                           “(aa) *DUTY TO NOTIFY.*—*If*  
 24                           *any part of a property on which*  
 25                           *an assisted structure is located is*



1 transferred, the transferor shall,  
2 not later than the date on which  
3 such transfer occurs, notify the  
4 transferee in writing, including in  
5 all documents evidencing the  
6 transfer of ownership of the prop-  
7 erty of the requirements, that such  
8 transferee is required to—

9 “(AA) obtain flood in-  
10 surance in accordance with  
11 applicable Federal law with  
12 respect to such assisted struc-  
13 ture, if such structure is not  
14 so insured on the date on  
15 which the structure is trans-  
16 ferred; and

17 “(BB) maintain flood  
18 insurance in accordance with  
19 applicable Federal law with  
20 respect to such structure.

21 “(bb) FAILURE TO NOTIFY.—  
22 If a transferor fails to make a no-  
23 tification in accordance with item  
24 (aa) and such assisted structure is  
25 damaged by a flood disaster, the

1                    *transferor shall pay the Federal*  
 2                    *Government an amount equal to*  
 3                    *the amount of any disaster relief*  
 4                    *provided by the Federal govern-*  
 5                    *ment with respect to such assisted*  
 6                    *structure.*

7                    *“(III) ASSISTED STRUCTURE DE-*  
 8                    *FINED.—For the purposes of this*  
 9                    *clause, the term ‘assisted structure’*  
 10                    *means a structure on property that is*  
 11                    *part of an acquisition or relocation*  
 12                    *project assisted pursuant to subpara-*  
 13                    *graph (A) that was, as part of such ac-*  
 14                    *quisition or relocation project—*

15                    *“(aa) altered;*  
 16                    *“(bb) improved;*  
 17                    *“(cc) replaced;*  
 18                    *“(dd) repaired; or*  
 19                    *“(ee) restored.*

20                    *“(C) ELIGIBLE STRUCTURE DEFINED.—For*  
 21                    *purposes of this paragraph, the term ‘eligible*  
 22                    *structure’ means any structure that—*

23                    *“(i) was constructed in compliance*  
 24                    *with the Flood Insurance Rate Map and*

1                   local building and zoning codes in effect at  
 2                   the date of construction of the structure; and  
 3                   “(ii) has not previously been altered,  
 4                   improved, replaced, or repaired using as-  
 5                   sistance provided under this subsection.

6                   “(5) *TREATMENT OF COVERAGE LIMITS.*—Any  
 7                   amount of coverage for a property provided pursuant  
 8                   to this subsection shall not be considered or counted  
 9                   for purposes of any limitation on coverage applicable  
 10                  to such property under section 1306(b) (42 U.S.C.  
 11                  4013(b)) and any claim on such coverage shall not be  
 12                  considered a claim for purposes of section 1307(h) or  
 13                  subsection (a)(3) or (h)(3) of section 1366.

14                  “(6) *IMPLEMENTATION.*—Notwithstanding any  
 15                  other provision of law, the Administrator may imple-  
 16                  ment this subsection by adopting one or more stand-  
 17                  ard endorsements to the Standard Flood Insurance  
 18                  Policy by publication of such standards in the Fed-  
 19                  eral Register, or by comparable means.”.

20 **SEC. 302. MULTIPLE-LOSS PROPERTIES.**

21                  (a) *FINANCIAL ASSISTANCE.*—Section 1361 of the Na-  
 22                  tional Flood Insurance Act of 1968 (42 U.S.C. 4102) is  
 23                  amended by adding at the end the following new subsection:

24                  “(e) *MULTIPLE-LOSS PROPERTIES.*—In making deter-  
 25                  minations regarding financial assistance under the authori-

1 *ties of this Act, the Administrator may consider the extent*  
 2 *to which a community is working to remedy problems with*  
 3 *addressing multiple-loss properties.”.*

4 *(b) DEFINITIONS.—Subsection (a) of section 1370 of*  
 5 *the National Flood Insurance Act of 1968 (42 U.S.C. 4121)*  
 6 *is amended—*

7 *(1) by redesignating paragraphs (8) through (15)*  
 8 *as paragraphs (11) through (18), respectively; and*

9 *(2) by striking paragraph (7) and inserting the*  
 10 *following new paragraphs:*

11 *“(7) MULTIPLE-LOSS PROPERTY.—The term*  
 12 *‘multiple-loss property’ means any property that is a*  
 13 *repetitive-loss property, a severe repetitive-loss prop-*  
 14 *erty, or an extreme repetitive-loss property.*

15 *“(8) REPETITIVE-LOSS PROPERTY.—The term*  
 16 *‘repetitive-loss property’ means a structure that has*  
 17 *incurred flood-related damage for which 2 or more*  
 18 *separate claims payments of any amount in excess of*  
 19 *the loss-deductible for damage to the covered structure*  
 20 *have been made under flood insurance coverage under*  
 21 *this title.*

22 *“(9) SEVERE REPETITIVE-LOSS PROPERTY.—The*  
 23 *term ‘severe repetitive-loss property’ means a struc-*  
 24 *ture that has incurred flood-related damage for*  
 25 *which—*

1           “(A) 4 or more separate claims payments  
 2           have been made under flood insurance coverage  
 3           under this title, with the amount of each such  
 4           claim exceeding \$5,000, and with the cumulative  
 5           amount of such claims payments exceeding  
 6           \$20,000; or

7           “(B) at least 2 separate claims payments  
 8           have been made under flood insurance coverage  
 9           under this title, with the cumulative amount of  
 10          such claims payments exceeding the value of the  
 11          structure.

12          “(10) *EXTREME REPETITIVE-LOSS PROPERTY*.—  
 13          *The term ‘extreme repetitive-loss property’ means a*  
 14          *structure that has incurred flood-related damage for*  
 15          *which at least 2 separate claims have been made*  
 16          *under flood insurance coverage under this title, with*  
 17          *the cumulative amount of such claims payments ex-*  
 18          *ceeding 150 percent of the maximum coverage amount*  
 19          *available for the structure.’.*

20          (c) *CONFORMING AMENDMENTS*.—*The National Flood*  
 21          *Insurance Act of 1968 is amended—*

22                 (1) in section 1304(b)(1)(A) (42 U.S.C.  
 23                 4011(b)(1)(A)), as amended by section 301 of this Act,  
 24                 by striking “repetitive loss structures” and inserting  
 25                 “repetitive-loss properties”;

1           (2) in section 1307 (42 U.S.C. 4014)—

2                 (A) in subsection (a)(2)(B), by striking “re-

3                 petitive loss property” and inserting “repetitive-

4                 loss property”;

5                 (B) in subsection (g)(2)(B), by striking

6                 clauses (i) and (ii) and inserting the following:

7                         “(i) an extreme repetitive-loss prop-

8                         erty; or

9                         “(ii) a severe repetitive-loss property.”;

10                (C) by striking subsection (h); and

11                (D) by redesignating subsection (i), as

12                added by the preceding provisions of this Act, as

13                subsection (h);

14           (3) in section 1315(a)(2)(A)(i) (42 U.S.C.

15           4022(a)(2)(A)(i)), by striking “repetitive loss struc-

16           ture” and inserting “repetitive-loss property”; and

17           (4) in section 1366 (42 U.S.C. 4104c)—

18                 (A) in subsection (a)(2), by striking “repet-

19                 itive loss structures” and inserting “repetitive-

20                 loss properties”;

21                 (B) in subsection (c)(2)(A)(ii), by striking

22                 “repetitive loss structures” and inserting “mul-

23                 tiple-loss properties”;

24                 (C) in subsection (d)—

25                         (i) in paragraph (1)—

1 (I) in the paragraph heading, by  
 2 striking “REPETITIVE LOSS STRUC-  
 3 TURES” and inserting “REPETITIVE-  
 4 LOSS AND EXTREME REPETITIVE LOSS  
 5 PROPERTIES”; and

6 (II) in the matter preceding sub-  
 7 paragraph (A), by striking “repetitive  
 8 loss structures” and inserting “repet-  
 9 itive-loss properties or extreme repet-  
 10 itive-loss properties”; and

11 (ii) in paragraph (2)—

12 (I) in the paragraph heading, by  
 13 striking “REPETITIVE LOSS STRUC-  
 14 TURES” and inserting “REPETITIVE-  
 15 LOSS PROPERTIES”; and

16 (II) by striking “repetitive loss  
 17 structures” and inserting “repetitive-  
 18 loss properties”; and

19 (D) in subsection (h), by striking para-  
 20 graphs (2) and (3).

21 **SEC. 303. PREMIUM RATES FOR CERTAIN MITIGATED PROP-**  
 22 **ERTIES.**

23 (a) **MITIGATION STRATEGIES.**—Paragraph (1) of sec-  
 24 tion 1361(d) of the National Flood Insurance Act of 1968  
 25 (42 U.S.C. 4102(d)(1)) is amended—

1           (1) in subparagraph (A), by striking “and” at  
2     the end;

3           (2) in subparagraph (B), by striking “and” at  
4     the end; and

5           (3) by inserting after subparagraph (B) the fol-  
6     lowing new subparagraphs:

7                   “(C) with respect to buildings in dense  
8           urban environments, methods that can be de-  
9           ployed on a block or neighborhood scale; and

10                   “(D) elevation of mechanical or other crit-  
11           ical systems; and”.

12       (b) *MITIGATION CREDIT*.—Subsection (k) of section  
13 1308 of the National Flood Insurance Act of 1968 (42  
14 U.S.C. 4015(k)) is amended—

15           (1) by striking “shall take into account” and in-  
16     serting the following: “shall—

17                   “(1) take into account”;

18           (2) in paragraph (1), as so designated by the  
19     amendment made by paragraph (1) of this subsection,  
20     by striking the period at the end and inserting “;  
21     and”; and

22           (3) by adding at the end the following new para-  
23     graph:

24                   “(2) offer a reduction of the risk premium rate  
25     charged to a policyholder, as determined by the Ad-



1        *ministrator, if the policyholder implements any miti-*  
 2        *gation method described in paragraph (1).”.*

3        **SEC. 304. COVERAGE FOR COOPERATIVES.**

4        *(a) EQUAL TREATMENT WITH CONDOMINIUMS.—Sec-*  
 5        *tion 1306 of the National Flood Insurance Act of 1968 (42*  
 6        *U.S.C. 4013), as amended by the preceding provisions of*  
 7        *this Act is further amended by adding at the end the fol-*  
 8        *lowing:*

9        *“(f) COOPERATIVE BUILDINGS.—Notwithstanding any*  
 10        *other provision of law, the Administrator shall make flood*  
 11        *insurance coverage available to any individual with a*  
 12        *membership interest and occupancy agreement in a cooper-*  
 13        *ative housing project on the same terms as any owner of*  
 14        *a condominium.”.*

15        *(b) PAYMENT OF CLAIMS.—Section 1312 of the Na-*  
 16        *tional Flood Insurance Act of 1968 (42 U.S.C. 4019) is*  
 17        *amended—*

18                *(1) in subsection (c)—*

19                        *(A) by striking “flood insurance to condo-*  
 20                        *minium owners” and inserting the following:*  
 21                        *“flood insurance—*

22                        *“(1) to condominium owners”; and*

23                        *(B) by striking the period at the end and*  
 24                        *inserting “; or”; and*

25                        *(C) by adding at the end the following:*

1           “(2) to individuals with a membership interest  
 2           and occupancy agreement in a cooperative housing  
 3           project who purchased such flood insurance separate  
 4           and apart from the flood insurance purchased by the  
 5           cooperative association in which such individual is a  
 6           member, based solely, or in any part, on the flood in-  
 7           surance coverage of the cooperative association or oth-  
 8           ers on the overall property owned by the cooperative  
 9           association.”; and

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

11           “(d) *DEFINITIONS.*—For purposes of this section and  
 12           section 1306(e), the terms ‘cooperative association’ and ‘co-  
 13           operative housing project’ shall have such meaning as the  
 14           Secretary shall provide.”.

15           **SEC. 305. VOLUNTARY COMMUNITY-BASED FLOOD INSUR-**  
 16           **ANCE PILOT PROGRAM.**

17           (a) *ESTABLISHMENT.*—The Administrator of the Fed-  
 18           eral Emergency Management Agency (in this section re-  
 19           ferred to as the “Administrator”) shall carry out a commu-  
 20           nity-based flood insurance pilot program to make available,  
 21           for purchase by participating communities, a single, com-  
 22           munity-wide flood insurance policy under the National  
 23           Flood Insurance Program that—

24           (1) covers all residential and non-residential  
 25           properties within the community; and

1           (2) *satisfies, for all such properties within the*  
2           *community, the mandatory purchase requirements*  
3           *under section 102 of the Flood Disaster Protection Act*  
4           *of 1973 (42 U.S.C. 4012a).*

5           (b) *PARTICIPATION.—Participation by a community*  
6           *in the pilot program under this section shall be at the sole*  
7           *discretion of the community.*

8           (c) *REQUIREMENTS FOR COMMUNITY-WIDE POLI-*  
9           *CIES.—The Administrator shall ensure that a community-*  
10          *wide flood insurance policy made available under the pilot*  
11          *program under this section incorporates the following re-*  
12          *quirements:*

13               (1) *A mapping requirement for properties cov-*  
14               *ered by the policy.*

15               (2) *A deductible.*

16               (3) *Certification or accreditation of mitigation*  
17               *infrastructure when available and appropriate.*

18               (4) *A community audit.*

19               (5) *A method of preventing redundant claims*  
20               *payments by the National Flood Insurance Program*  
21               *in the case of a claim by an individual property*  
22               *owner who is covered by a community-wide flood in-*  
23               *surance policy and an individual policy obtained*  
24               *through the Program.*

1           (6) *Coverage for damage arising from flooding*  
 2           *that complies with the standards under the National*  
 3           *Flood Insurance Program appropriate to the nature*  
 4           *and type of property covered.*

5           (d) *TIMING.—The Administrator shall establish the*  
 6           *demonstration program under this section not later than*  
 7           *the expiration of the 180-day period beginning on the date*  
 8           *of the enactment of this Act and the program shall termi-*  
 9           *nate on September 30, 2022.*

10          (e) *DEFINITION OF COMMUNITY.—For purposes of this*  
 11          *section, the term “community” means any unit of local gov-*  
 12          *ernment, within the meaning given such term under the*  
 13          *laws of the applicable State.*

14       **SEC. 306. MITIGATION FUNDING.**

15          *For each of the first 5 fiscal years beginning after fol-*  
 16          *lowing the date of the enactment of this Act, there is author-*  
 17          *ized to be appropriated \$200,000,000 to carry out the flood*  
 18          *mitigation assistance grant program under section 1366 of*  
 19          *the National Flood Insurance Act of 1968 (42 U.S.C.*  
 20          *4104c).*

21       **SEC. 307. COMMUNITY RATING SYSTEM IMPROVEMENTS.**

22          (a) *PROVISION OF COMMUNITY RATING SYSTEM PRE-*  
 23          *MIUM CREDITS TO MAXIMUM NUMBER OF COMMUNITIES*  
 24          *PRACTICABLE.—Subsection (b) of section 1315 of the Na-*

1 *tional Flood Insurance Act of 1968 (42 U.S.C. 4022(b)) is*  
 2 *amended—*

3 *(1) in paragraph (2), by striking “may” and in-*  
 4 *serting “shall”; and*

5 *(2) in paragraph (3), by inserting “, and the*  
 6 *Administrator shall provide credits to the maximum*  
 7 *number of communities practicable” after “under this*  
 8 *program”.*

9 *(b) GRANTS FOR COMMUNITY RATING SYSTEM PRO-*  
 10 *GRAM COORDINATORS.—Section 1315 of the National Flood*  
 11 *Insurance Act of 1968 (42 U.S.C. 4022) is amended by add-*  
 12 *ing at the end the following new subsection:*

13 *“(c) GRANTS FOR COMMUNITY RATING SYSTEM PRO-*  
 14 *GRAM COORDINATORS.—*

15 *“(1) AUTHORITY.—The Administrator shall*  
 16 *carry out a program to make grants to consortia of*  
 17 *States and communities for use only for costs of em-*  
 18 *ploying or otherwise retaining an individual or indi-*  
 19 *viduals to coordinate and carry out responsibilities*  
 20 *relating to participation in the community rating*  
 21 *system program under subsection (b) for States and*  
 22 *communities that are members of such consortia.*

23 *“(2) ELIGIBILITY.—The Administrator shall es-*  
 24 *tablish such criteria as the Administrator considers*  
 25 *appropriate for a consortium of States and commu-*

1        *nities to be eligible for grants under this subsection,*  
2        *which shall include requiring a consortium to provide*  
3        *evidence to the Administrator that the consortium has*  
4        *sufficient authority and administrative capability to*  
5        *use grant amounts in accordance with this subsection*  
6        *on behalf of its member jurisdictions.*

7            “(3) *TIMING.*—*A consortium receiving a grant*  
8        *under this section shall establish the position or posi-*  
9        *tions described in paragraph (1), and employ or oth-*  
10       *erwise retain an individual or individuals to fill such*  
11       *position or positions, not later than the date that all*  
12       *such grant amounts are expended.*

13           “(4) *APPLICATIONS.*—*The Administrator shall*  
14       *provide for consortia of States and communities to*  
15       *submit applications for grants under this subsection,*  
16       *which shall include—*

17                “(A) *the evidence referred to in paragraph*  
18                (2);

19                “(B) *such assurances as the Administrator*  
20       *shall require to ensure compliance with the re-*  
21       *quirement under paragraph (3);*

22                “(C) *such assurances as the Administrator*  
23       *shall require to ensure that the consortia will*  
24       *provide funding sufficient to continue the posi-*  
25       *tion or positions funded with the grant amounts,*

1           *in the same annual amount as under such grant*  
 2           *funding, after such grant funds are expended;*  
 3           *and*

4                   “(D) *such other information as the Admin-*  
 5           *istrator may require.*

6           “(5) *SELECTION.—From among eligible con-*  
 7           *sortia of States and communities submitting applica-*  
 8           *tions pursuant to paragraph (3), the Administrator*  
 9           *shall select consortia to receive grants under this sub-*  
 10          *section in accordance with such competitive criteria*  
 11          *for such section as the Administrator shall establish.*

12           “(6) *DEFINITION OF COMMUNITY.—For purposes*  
 13          *of this section, the term ‘community’ has the meaning*  
 14          *given such term in section 1366(h) (42 U.S.C.*  
 15          *4104c(h)), except that such term includes counties*  
 16          *and regional planning authorities that do not have*  
 17          *zoning and building code jurisdiction.*

18           “(7) *AUTHORIZATION OF APPROPRIATIONS.—*  
 19          *There is authorized to be appropriated for grants*  
 20          *under this subsection—*

21                   “(A) *\$7,000,000 for the first fiscal year*  
 22           *commencing after the expiration of the 4-month*  
 23           *period beginning on the date of the enactment of*  
 24           *this Act; and*

1                   “(B) \$7,000,000 for each of the four con-  
2                   secutive fiscal years thereafter.”.

3   **SEC. 308. COMMUNITY ASSISTANCE PROGRAM FOR EFFEC-**  
4                   **TIVE FLOODPLAIN MANAGEMENT.**

5           (a) *IN GENERAL.*—Chapter I of the National Flood In-  
6   insurance Act of 1968 (42 U.S.C. 4011 *et seq.*), as amended  
7   by the preceding provisions of this Act, is further amended  
8   by adding at the end the following:

9   **“SEC. 1327. COMMUNITY ASSISTANCE PROGRAM FOR EF-**  
10                   **FFECTIVE FLOODPLAIN MANAGEMENT.**

11           “(a) *IN GENERAL.*—The Administrator shall establish  
12   a community assistance program under this section to in-  
13   crease the capacity and capability of States, Indian tribes,  
14   and communities to effectively manage flood risk and par-  
15   ticipate in the national flood insurance program, including  
16   the community rating system program under section  
17   1315(b), by providing financial and technical assistance to  
18   States, tribes and communities.

19           “(b) *COMPONENTS.*—The community assistance pro-  
20   gram under this program shall include—

21                   “(1) making community assistance grants under  
22                   subsection (c) to States;

23                   “(2) conducting periodic assessments, not less  
24                   often than once every 5 years, of the technical assist-



1        *ance and training needs of States, Indian tribes, and*  
2        *communities;*

3                *“(3) providing technical assistance and training*  
4        *to States, Indian tribes, and communities in accord-*  
5        *ance with the needs identified by such assessments;*

6                *“(4) conducting periodic reviews of State, Indian*  
7        *tribe, and community floodplain management stand-*  
8        *ards by the Administrator to promote continuous im-*  
9        *provement in building and maintaining effective*  
10       *State floodplain management programs (as such term*  
11       *is defined in subsection (d));*

12               *“(5) conducting periodic estimates of the losses*  
13       *avoided nationally due to the adoption of qualifying*  
14       *floodplain management standards by States, Indian*  
15       *tribes and communities;*

16               *“(6) in coordination with each State receiving a*  
17       *grant under subsection (c), developing and executing*  
18       *a strategy to—*

19                        *“(A) provide technical and financial assist-*  
20       *ance to communities, including small and rural*  
21       *communities, and Indian tribes within the State;*  
22       *and*

23                        *“(B) encourage greater participation in the*  
24       *community rating system program; and*

1           “(7) *establishing goals for States participating*  
 2           *in the program and incentives for exceeding such*  
 3           *goals.*

4           “(c) *COMMUNITY ASSISTANCE GRANTS TO STATES.—*

5           “(1) *IN GENERAL.—Under the program under*  
 6           *this section the Administrator may award grants to*  
 7           *States, which shall be used only—*

8                   “(A) *to increase the capacity and capability*  
 9                   *of the State and communities and Indian tribes*  
 10                   *in the State to effectively manage flood risk and*  
 11                   *to fully participate in the national flood insur-*  
 12                   *ance program, including the community rating*  
 13                   *system program; and*

14                   “(B) *for activities related to implementa-*  
 15                   *tion, administration, oversight, and enforcement*  
 16                   *of the national flood insurance program at the*  
 17                   *State and local and tribal levels.*

18           “(2) *GUIDELINES.—The Administrator shall es-*  
 19           *tablish guidelines governing the use of grant funds*  
 20           *under this subsection, including setting forth activi-*  
 21           *ties eligible to be funded with such amounts.*

22           “(3) *ELIGIBILITY.—To be eligible to receive a*  
 23           *grant under this subsection, a State shall—*

24                   “(A) *demonstrate, to the satisfaction of the*  
 25                   *Administrator, that the State has in effect quali-*

1        *fying State floodplain management standards for*  
2        *the State;*

3                *“(B) agree to submit such reports, certifi-*  
4        *cations, and information to the Administrator as*  
5        *the Administrator shall require, including those*  
6        *required under paragraph (5); and*

7                *“(C) meet any additional eligibility re-*  
8        *quirements as the Administrator may require.*

9                *“(4) APPLICATION; SELECTION CRITERIA.—The*  
10       *Administrator shall provide for States to submit ap-*  
11       *plications for grants under this subsection, which*  
12       *shall include such information, assurances, and cer-*  
13       *tifications as the Administrator may require, and*  
14       *may establish criteria for selection of qualifying ap-*  
15       *plications to be selected for grants under this sub-*  
16       *section.*

17                *“(5) ONGOING REVIEW OF FLOODPLAIN MANAGE-*  
18       *MENT STANDARDS.—Each State that is awarded*  
19       *funds under this section shall provide periodic re-*  
20       *ports, certifications, and information regarding the*  
21       *floodplain management standards of such State as the*  
22       *Administrator may require for the duration of the use*  
23       *of grant amounts.*

24                *“(d) DEFINITIONS.—For purposes of this section:*

1           “(1) *INDIAN TRIBE.*—*The term ‘Indian tribe’ has*  
 2           *the meaning given such term in section 4 of the Na-*  
 3           *tive American Housing Assistance and Self-Deter-*  
 4           *mination Act of 1996 (25 U.S.C. 4103).*

5           “(2) *QUALIFYING STATE FLOODPLAIN MANAGE-*  
 6           *MENT STANDARDS.*—*The term ‘qualifying State flood-*  
 7           *plain management standards’ means the floodplain*  
 8           *management standards of a State that—*

9                   “(A) *are specifically authorized under State*  
 10           *law and do not conflict with or inhibit the im-*  
 11           *plementation of the National Flood Insurance*  
 12           *Act of 1968;*

13                   “(B) *designate an entity responsible for co-*  
 14           *ordinating the national flood insurance program*  
 15           *in the State;*

16                   “(C) *identify State resources and programs*  
 17           *to manage floodplains and reduce flood risk;*

18                   “(D) *address on a long-term basis—*

19                           “(i) *integration of floodplain manage-*  
 20                   *ment activities with other State functions*  
 21                   *and activities;*

22                           “(ii) *identification of flood hazards;*

23                           “(iii) *management of natural flood-*  
 24                   *plain functions and resources;*

1                   “(iv) *elimination of adverse impacts of*  
2                   *development on the floodplain;*

3                   “(v) *flood mitigation and recovery*  
4                   *strategies for the State;*

5                   “(vi) *strategies for informing commu-*  
6                   *nities and citizens about flood risk and*  
7                   *mitigation options; and*

8                   “(vii) *measures for evaluating the effec-*  
9                   *tiveness of State floodplain management ef-*  
10                  *forts;*

11                  “(E) *include a long-term plan that will fa-*  
12                  *cilitate the prioritization and provision of train-*  
13                  *ing and technical assistance to communities and*  
14                  *Indian tribes in the State to increase local and*  
15                  *tribal capacity and capability for floodplain*  
16                  *management, including the capacity and capa-*  
17                  *bility to participate in the national flood insur-*  
18                  *ance program and the community rating system*  
19                  *program;*

20                  “(F) *provide for oversight, administration*  
21                  *and enforcement of the national flood insurance*  
22                  *program at the State and community levels; and*

23                  “(G) *meet such other requirements as the*  
24                  *Administrator may establish.*

25                  “(e) *FUNDING.—*

1           “(1) *AUTHORIZATION OF APPROPRIATIONS.—*  
 2           *There is authorized to be appropriated \$20,000,000*  
 3           *for each of fiscal years 2019 through 2024 for the Na-*  
 4           *tional Flood Insurance Fund for carrying out this*  
 5           *section. Any amounts appropriated pursuant to this*  
 6           *subsection shall remain available until expended.*

7           “(2) *SET-ASIDES.—From any amounts made*  
 8           *available for grants under this section, the Adminis-*  
 9           *trator may reserve such amount as the Administrator*  
 10          *considers appropriate—*

11                  “(A) *for community assistance grants under*  
 12                  *subsection (c) to States; and*

13                  “(B) *for additional assistance only for*  
 14                  *States exceeding the goals established pursuant to*  
 15                  *subsection (b)(8).”.*

16          (b) *USE OF NATIONAL FLOOD INSURANCE FUND*  
 17          *AMOUNTS.—Subsection (a) of section 1310 of the National*  
 18          *Flood Insurance Act of 1968 (42 U.S.C. 4017(a)) is amend-*  
 19          *ed—*

20                  (1) *in paragraph (7), by striking “and” at the*  
 21          *end;*

22                  (2) *in paragraph (8), by striking the period at*  
 23          *the end and inserting “; and”; and*

24                  (3) *by adding at the end the following:*

1           “(9) for carrying out the community assistance  
 2           program for effective floodplain management under  
 3           section 1327.”.

## 4           ***TITLE IV—MODERNIZATION***

### 5   ***SEC. 401. EFFECT OF PRIVATE FLOOD INSURANCE COV-*** 6           ***ERAGE ON CONTINUOUS COVERAGE RE-*** 7           ***QUIREMENTS.***

8           *Section 1308 of the National Flood Insurance Act of*  
 9           *1968 (42 U.S.C. 4015), as amended by the preceding provi-*  
 10          *sions of this Act, is further amended by adding at the end*  
 11          *the following:*

12          “(o) *EFFECT OF PRIVATE FLOOD INSURANCE COV-*  
 13          *ERAGE ON CONTINUOUS COVERAGE REQUIREMENTS.—For*  
 14          *purposes of applying any statutory, regulatory, or adminis-*  
 15          *trative continuous coverage requirement, including under*  
 16          *section 1307(g)(1), the Administrator shall consider any pe-*  
 17          *riod during which a property was continuously covered by*  
 18          *a flood insurance policy, either offered through the national*  
 19          *flood insurance program or private market, that was used*  
 20          *to satisfy the requirements under section 102(a) of the Flood*  
 21          *Disaster Protection Act of 1973 (42 U.S.C. 4012a(a)) to be*  
 22          *a period of continuous coverage.”.*

### 23   ***SEC. 402. OPTIONAL COVERAGE FOR UMBRELLA POLICIES.***

24          *Subsection (b) of section 1306 of the National Flood*  
 25          *Insurance Act of 1968 (42 U.S.C. 4013(b)), is amended—*

1           (1) in paragraph (4), by striking “and” at the  
2       end;

3           (2) in paragraph (5), by striking the period at  
4       the end and inserting “; and”; and

5           (3) by adding at the end the following new para-  
6       graph:

7           “(6) the Administrator may provide that, in the  
8       case of any commercial property or other residential  
9       property, including multifamily rental property and  
10      agricultural property, one umbrella policy be made  
11      available to every insured upon renewal and every  
12      applicant with multiple structures on the same prop-  
13      erty, except that—

14               “(A) purchase of such coverage shall be at  
15      the option of the insured; and

16               “(B) any such coverage shall be made avail-  
17      able only at chargeable rates that are not less  
18      than the estimated premium rates for such cov-  
19      erage determined in accordance with section  
20      1307(a)(1).”.

21   **SEC. 403. ANNUAL INDEPENDENT ACTUARIAL STUDY.**

22       Part C of chapter II of the National Flood Insurance  
23   Act of 1968 (42 U.S.C. 4081 et seq.) is amended by adding  
24   at the end the following new section:



1 **“SEC. 1349. ANNUAL INDEPENDENT ACTUARIAL STUDY.**

2       *“The Administrator shall provide for an independent*  
 3 *actuarial study of the National Flood Insurance Program*  
 4 *to be conducted annually, which shall analyze the financial*  
 5 *position of the Program. The Administrator shall submit*  
 6 *a report annually to the Congress describing the results of*  
 7 *such study and assessing the financial status of the Pro-*  
 8 *gram. The report shall recommend adjustments to under-*  
 9 *writing standards, program participation, or premiums, if*  
 10 *necessary, to ensure that the Program remains financially*  
 11 *sound. The report shall also include an evaluation of the*  
 12 *quality control procedures and accuracy of information uti-*  
 13 *lized in the process of underwriting National Flood Insur-*  
 14 *ance Program policies. Such evaluation shall include a re-*  
 15 *view of the risk characteristics of policies.”.*

16 **SEC. 404. SHARING OF AND ACCESS TO INFORMATION.**

17       *(a) IN GENERAL.—Section 1313 of the National Flood*  
 18 *Insurance Act of 1968 (42 U.S.C. 4020) is amended—*

19               *(1) by inserting after the section enumerator the*  
 20       *following: “(a) AVAILABILITY TO PUBLIC AND STATE*  
 21       *AGENCIES.—”; and*

22               *(2) by adding at the end the following new sub-*  
 23       *sections:*

24       *“(b) EXCHANGE OF NFIP AND PRIVATE FLOOD INSUR-*  
 25 *ANCE POLICY AND CLAIMS INFORMATION.—The Adminis-*  
 26 *trator may provide to each private insurer that sells cov-*

1 erage that meets, at a minimum, the definition of private  
 2 flood insurance under section 102(b) of the Flood Disaster  
 3 Protection Act of 1973 (42 U.S.C. 4012a(b)), current and  
 4 historical property-specific information that is available to  
 5 the Administration on flood insurance program coverage,  
 6 flood damage assessments, and payment of claims, but only  
 7 if the following conditions are met:

8           “(1) Each private insurer receiving such data  
 9       shall provide to the Administrator current and histor-  
 10      ical property-specific information, generated through  
 11      the sale of the flood insurance that meets such defini-  
 12      tion of private flood insurance, by the private insurer  
 13      on flood insurance coverage, flood damage assess-  
 14      ments, and payment of claims.

15           “(2) Such information obtained under para-  
 16      graph shall be made available as required by sub-  
 17      sections (c) and (d).

18           “(c) *HOMEOWNER ACCESS TO NFIP AND PRIVATE*  
 19 *POLICY AND CLAIMS INFORMATION.*—Upon request by the  
 20 current owner of a property, the Administrator shall pro-  
 21 vide to the owner any current and historical information  
 22 available to the Administrator, including information ob-  
 23 tained under subsection (b)(1), on insurance coverage, dam-  
 24 age assessments, and payment of claims concerning such  
 25 property of the owner. In addition, the Administrator shall

1 *provide information the Administrator may have on wheth-*  
2 *er the property owner may be required to purchase flood*  
3 *insurance coverage due to previous receipt of federal dis-*  
4 *aster assistance, including assistance provided by the Small*  
5 *Business Administration, the Department of Housing and*  
6 *Urban Development, the Federal Emergency Management*  
7 *Agency, or any other type of assistance subject to the man-*  
8 *datory purchase requirement under section 102 of the Flood*  
9 *Disaster Protection Act of 1973.*

10       “(d) *HOMEBUYER ACCESS TO FLOOD INSURANCE IN-*  
11 *FORMATION.—Notwithstanding section 552a(b) of title 5,*  
12 *United States Code, not later than 14 days after a request*  
13 *for such information by a buyer under contract for purchase*  
14 *of a property, the Administrator shall provide to the buyer*  
15 *the following information:*

16               “(1) *The number and dollar value of claims filed*  
17 *for the property, over the life of the property, under*  
18 *a flood insurance policy made available under this*  
19 *title.*

20               “(2) *Such other available information about the*  
21 *property as determined by the Administrator to accu-*  
22 *ately and adequately characterize the true flood risk*  
23 *to the property.*

24               “(3) *A notice to the recipient of the information*  
25 *that the information provided may only be utilized by*

1        *the recipient alone and only for the purposes of*  
 2        *homebuying.”.*

3        (b) *EFFECTIVE DATE.*—Subsection (d) of section 1313  
 4        *of the National Flood Insurance Act of 1968, as added by*  
 5        *the amendment made by subsection (a)(2) of this section,*  
 6        *shall take effect beginning upon the expiration of the 12-*  
 7        *month period that begins on the date of the enactment of*  
 8        *this Act.*

9        **SEC. 405. ELEVATION CERTIFICATES.**

10        *Chapter I of the National Flood Insurance Act of 1968*  
 11        *(42 U.S.C. 4011 et seq.), as amended by the preceding pro-*  
 12        *visions of this Act, is further amended by adding at the*  
 13        *end the following:*

14        **“SEC. 1328. ELEVATION CERTIFICATES.**

15        *“Surveyed elevation data and other information relat-*  
 16        *ing to a building that is recorded on a National Flood In-*  
 17        *surance Program Elevation Certificate by an individual li-*  
 18        *censed to record that information shall continue to be in*  
 19        *effect, and the Elevation Certificate shall not expire, until*  
 20        *the date on which there is an alteration in the building.”.*

21        **SEC. 406. LEVERAGING RISK TRANSFER OPPORTUNITIES**  
 22        **FOR A SOUND FINANCIAL FRAMEWORK.**

23        (a) *IN GENERAL.*—Subsection (e) of section 1345 of  
 24        *the National Flood Insurance Act of 1968 (42 U.S.C.*  
 25        *4081(e)) is amended—*

1           (1) *by striking “(e) RISK TRANSFER.—The Ad-*  
 2           *ministrator” and inserting the following:*

3           *“(e) LEVERAGING RISK TRANSFER OPPORTUNITIES*  
 4           *FOR A SOUND FINANCIAL FRAMEWORK.—*

5           *“(1) AUTHORITY.—The Administrator”; and*

6           *(2) by adding at the end the following:*

7           *“(2) LEVERAGING RISK TRANSFER OPPORTUNI-*  
 8           *TIES.—On an annual basis, the Administrator shall*  
 9           *evaluate ceding a portion of the risk of the flood in-*  
 10          *surance program under this title to the private rein-*  
 11          *surance or capital markets, or any combination there-*  
 12          *of, if the Administrator determines—*

13           *“(A) the rates and terms are reasonable and*  
 14           *appropriate; and*

15           *“(B) doing so would further the develop-*  
 16           *ment and maintenance of a sound financial*  
 17           *framework for the National Flood Insurance Pro-*  
 18           *gram.”.*

19          *(b) EFFECTIVE DATE.—The amendments made by sub-*  
 20          *section (a) shall become effective upon the expiration of the*  
 21          *18-month period that begins upon the date of the enactment*  
 22          *of this Act.*

1 **SEC. 407. WRITE-YOUR-OWN ARRANGEMENTS.**

2       *Section 1345 of the National Flood Insurance Act of*  
 3 *1968 (42 U.S.C. 4081) is amended by adding at the end*  
 4 *the following new subsections:*

5       “(f) *AUTHORITY TO TERMINATE WRITE YOUR OWN*  
 6 *ARRANGEMENTS.—The Administrator may cancel any*  
 7 *Write Your Own (as such term is defined in section*  
 8 *100202(a) of the Biggert-Waters Flood Insurance Reform*  
 9 *Act of 2012 (42 U.S.C. 4004)) arrangement in its entirety*  
 10 *upon 30 days written notice to the Write Your Own com-*  
 11 *pany involved by certified mail stating one of the following*  
 12 *reasons for such cancellation:*

13               “(1) *Fraud or misrepresentation by the company*  
 14               *after the inception of the arrangement.*

15               “(2) *Nonpayment to the Administrator of any*  
 16               *amount due.*

17               “(3) *Material failure to comply with the require-*  
 18               *ments of the arrangement or with the written stand-*  
 19               *ards, procedures, or guidance issued by the Adminis-*  
 20               *trator relating to the National Flood Insurance Pro-*  
 21               *gram and applicable to the company.*

22       “(g) *STANDARDIZED FEE AUTHORITY.—The Adminis-*  
 23 *trator may establish and implement a standardized fee*  
 24 *schedule for all engineering services provided in connection*  
 25 *with flood insurance coverage provided under this title by*  
 26 *means of a Write Your Own arrangement.”.*

1 **SEC. 408. STUDY ON INCREASING PARTICIPATION.**

2       (a) *IN GENERAL.*—The Comptroller General of the  
3 United States shall conduct a study that proposes to ad-  
4 dress, through programmatic and regulatory changes, how  
5 to increase participation in flood insurance coverage.

6       (b) *ISSUES.*—In conducting the study under subsection  
7 (a), the Comptroller General shall consider the following:

8           (1) *Expanding participation in flood insurance*  
9 *coverage, beyond areas having special flood hazards,*  
10 *to areas of moderate or minimal flood hazard risk.*

11          (2) *Automatically enrolling consumers in flood*  
12 *insurance while providing consumers the opportunity*  
13 *to decline enrollment.*

14          (3) *Bundling flood insurance coverage that di-*  
15 *versifies risk across all or multiple-peril forms.*

16       (c) *DETERMINATIONS.*—In conducting the study under  
17 subsection (a), the Comptroller General shall determine the  
18 following:

19           (1) *The percentage of properties with federally*  
20 *backed mortgages located in an area having special*  
21 *flood hazards that are covered by flood insurance that*  
22 *satisfies the requirement under section 102(b) of the*  
23 *Flood Disaster Protection Act of 1973 (42 U.S.C.*  
24 *4012a(b)).*

25           (2) *The percentage of properties with federally*  
26 *backed mortgages located in the 500-year floodplain*

1       that are covered by flood insurance that would satisfy  
 2       the requirement described in paragraph (1) if that re-  
 3       quirement applied to such properties.

4       (d) *REPORT*.—Not later than 18 months after the date  
 5       of enactment of this Act, the Comptroller General of the  
 6       United States shall submit a report on the study conducted  
 7       under subsection (a) to the Committee on Financial Serv-  
 8       ices of the House of Representatives and the Committee on  
 9       Banking, Housing, and Urban Affairs of the Senate.

10       (e) *DEFINITIONS*.—For purposes of this section—

11               (1) the term “500-year floodplain” has the mean-  
 12               ing given the term in section 100202(a) of the  
 13               Biggert-Waters Flood Insurance Reform Act of 2012  
 14               (40 U.S.C. 4004(a));

15               (2) the terms “Federal agency lender”, “im-  
 16               proved real estate”, and “regulated lending institu-  
 17               tion” have the meanings given such terms in section  
 18               3(a) of the Flood Disaster Protection Act of 1973 (42  
 19               U.S.C. 4003(a)); and

20               (3) the term “property with a federally backed  
 21               mortgage” means improved real estate or a mobile  
 22               home securing a loan that was—

23                       (A) made by a regulated lending institution  
 24                       or Federal agency lender; or



1                   *(B) purchased by the Federal National*  
2                   *Mortgage Association or the Federal Home Loan*  
3                   *Mortgage Corporation.*

Union Calendar No. 210

116TH CONGRESS  
1ST Session

**H. R. 3167**

[Report No. 116-262, Part I]

**A BILL**

To reform and reauthorize the National Flood Insurance Program, and for other purposes.

OCTOBER 28, 2019

Reported from the Committee on Financial Services with  
an amendment

OCTOBER 28, 2019

Committee on Transportation and Infrastructure discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed