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1ST SESSION

H. R. 1309

IN THE SENATE OF THE UNITED STATES

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Received; read twice and referred to the Committee on Banking, Housing, and
Urban Affairs

AN ACT

To extend the authorization of the national flood insurance program, to achieve reforms to improve the financial integrity and stability of the program, and to increase the role of private markets in the management of flood insurance risk, 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 AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
 5 “Flood Insurance Reform Act of 2011”.

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

- Sec. 1. Short title and table of contents.
- Sec. 2. Extensions.
- Sec. 3. Mandatory purchase.
- Sec. 4. Reforms of coverage terms.
- Sec. 5. Reforms of premium rates.
- Sec. 6. Technical Mapping Advisory Council.
- Sec. 7. FEMA incorporation of new mapping protocols.
- Sec. 8. Treatment of levees.
- Sec. 9. Privatization initiatives.
- Sec. 10. FEMA annual report on insurance program.
- Sec. 11. Mitigation assistance.
- Sec. 12. Notification to homeowners regarding mandatory purchase require-
 ment applicability and rate phase-ins.
- Sec. 13. Notification to members of congress of flood map revisions and up-
 dates.
- Sec. 14. Notification and appeal of map changes; notification to communities
 of establishment of flood elevations.
- Sec. 15. Notification to tenants of availability of contents insurance.
- Sec. 16. Notification to policy holders regarding direct management of policy by
 FEMA.
- Sec. 17. Notice of availability of flood insurance and escrow in RESPA good
 faith estimate.
- Sec. 18. Reimbursement for costs incurred by homeowners and communities ob-
 taining letters of map amendment or revision.
- Sec. 19. Enhanced communication with certain communities during map updat-
 ing process.
- Sec. 20. Notification to residents newly included in flood hazard areas.
- Sec. 21. Treatment of swimming pool enclosures outside of hurricane season.
- Sec. 22. Information regarding multiple perils claims.
- Sec. 23. FEMA authority to reject transfer of policies.
- Sec. 24. Appeals.
- Sec. 25. Reserve fund.
- Sec. 26. CDBG eligibility for flood insurance outreach activities and community
 building code administration grants.
- Sec. 27. Technical corrections.
- Sec. 28. Requiring competition for national flood insurance program policies.
- Sec. 29. Studies of voluntary community-based flood insurance options.
- Sec. 30. Report on inclusion of building codes in floodplain management cri-
 teria.
- Sec. 31. Study on graduated risk.

- Sec. 32. Report on flood-in-progress determination.
Sec. 33. Study on repaying flood insurance debt.
Sec. 34. No cause of action.
Sec. 35. Authority for the corps of engineers to provide specialized or technical services.

1 **SEC. 2. EXTENSIONS.**

2 (a) EXTENSION OF PROGRAM.—Section 1319 of the
3 National Flood Insurance Act of 1968 (42 U.S.C. 4026)
4 is amended by striking “September 30, 2011” and insert-
5 ing “September 30, 2016”.

6 (b) EXTENSION OF FINANCING.—Section 1309(a) of
7 such Act (42 U.S.C. 4016(a)) is amended by striking
8 “September 30, 2011” and inserting “September 30,
9 2016”.

10 **SEC. 3. MANDATORY PURCHASE.**

11 (a) AUTHORITY TO TEMPORARILY SUSPEND MANDA-
12 TORY PURCHASE REQUIREMENT.—

13 (1) IN GENERAL.—Section 102 of the Flood
14 Disaster Protection Act of 1973 (42 U.S.C. 4012a)
15 is amended by adding at the end the following new
16 subsection:

17 “(i) AUTHORITY TO TEMPORARILY SUSPEND MAN-
18 DATORY PURCHASE REQUIREMENT.—

19 “(1) FINDING BY ADMINISTRATOR THAT AREA
20 IS AN ELIGIBLE AREA.—For any area, upon a re-
21 quest submitted to the Administrator by a local gov-
22 ernment authority having jurisdiction over any por-
23 tion of the area, the Administrator shall make a

1 finding of whether the area is an eligible area under
2 paragraph (3). If the Administrator finds that such
3 area is an eligible area, the Administrator shall, in
4 the discretion of the Administrator, designate a pe-
5 riod during which such finding shall be effective,
6 which shall not be longer in duration than 12
7 months.

8 “(2) SUSPENSION OF MANDATORY PURCHASE
9 REQUIREMENT.—If the Administrator makes a find-
10 ing under paragraph (1) that an area is an eligible
11 area under paragraph (3), during the period speci-
12 fied in the finding, the designation of such eligible
13 area as an area having special flood hazards shall
14 not be effective for purposes of subsection (a), (b),
15 and (e) of this section, and section 202(a) of this
16 Act. Nothing in this paragraph may be construed to
17 prevent any lender, servicer, regulated lending insti-
18 tution, Federal agency lender, the Federal National
19 Mortgage Association, or the Federal Home Loan
20 Mortgage Corporation, at the discretion of such enti-
21 ty, from requiring the purchase of flood insurance
22 coverage in connection with the making, increasing,
23 extending, or renewing of a loan secured by im-
24 proved real estate or a mobile home located or to be
25 located in such eligible area during such period or

1 a lender or servicer from purchasing coverage on be-
2 half of a borrower pursuant to subsection (e).

3 “(3) ELIGIBLE AREAS.—An eligible area under
4 this paragraph is an area that is designated or will,
5 pursuant to any issuance, revision, updating, or
6 other change in flood insurance maps that takes ef-
7 fect on or after the date of the enactment of the
8 Flood Insurance Reform Act of 2011, become des-
9 ignated as an area having special flood hazards and
10 that meets any one of the following 3 requirements:

11 “(A) AREAS WITH NO HISTORY OF SPE-
12 CIAL FLOOD HAZARDS.—The area does not in-
13 clude any area that has ever previously been
14 designated as an area having special flood haz-
15 ards.

16 “(B) AREAS WITH FLOOD PROTECTION
17 SYSTEMS UNDER IMPROVEMENTS.—The area
18 was intended to be protected by a flood protec-
19 tion system—

20 “(i) that has been decertified, or is re-
21 quired to be certified, as providing protec-
22 tion for the 100-year frequency flood
23 standard;

24 “(ii) that is being improved, con-
25 structed, or reconstructed; and

1 “(iii) for which the Administrator has
2 determined measurable progress toward
3 completion of such improvement, construc-
4 tion, reconstruction is being made and to-
5 ward securing financial commitments suffi-
6 cient to fund such completion.

7 “(C) AREAS FOR WHICH APPEAL HAS
8 BEEN FILED.—An area for which a community
9 has appealed designation of the area as having
10 special flood hazards in a timely manner under
11 section 1363.

12 “(4) EXTENSION OF DELAY.—Upon a request
13 submitted by a local government authority having
14 jurisdiction over any portion of the eligible area, the
15 Administrator may extend the period during which a
16 finding under paragraph (1) shall be effective, ex-
17 cept that—

18 “(A) each such extension under this para-
19 graph shall not be for a period exceeding 12
20 months; and

21 “(B) for any area, the cumulative number
22 of such extensions may not exceed 2.

23 “(5) ADDITIONAL EXTENSION FOR COMMU-
24 NITIES MAKING MORE THAN ADEQUATE PROGRESS
25 ON FLOOD PROTECTION SYSTEM.—

1 “(A) EXTENSION.—

2 “(i) AUTHORITY.—Except as provided
3 in subparagraph (B), in the case of an eli-
4 gible area for which the Administrator has,
5 pursuant to paragraph (4), extended the
6 period of effectiveness of the finding under
7 paragraph (1) for the area, upon a request
8 submitted by a local government authority
9 having jurisdiction over any portion of the
10 eligible area, if the Administrator finds
11 that more than adequate progress has been
12 made on the construction of a flood protec-
13 tion system for such area, as determined in
14 accordance with the last sentence of sec-
15 tion 1307(e) of the National Flood Insur-
16 ance Act of 1968 (42 U.S.C. 4014(e)), the
17 Administrator may, in the discretion of the
18 Administrator, further extend the period
19 during which the finding under paragraph
20 (1) shall be effective for such area for an
21 additional 12 months.

22 “(ii) LIMIT.—For any eligible area,
23 the cumulative number of extensions under
24 this subparagraph may not exceed 2.

25 “(B) EXCLUSION FOR NEW MORTGAGES.—

1 “(i) EXCLUSION.—Any extension
2 under subparagraph (A) of this paragraph
3 of a finding under paragraph (1) shall not
4 be effective with respect to any excluded
5 property after the origination, increase, ex-
6 tension, or renewal of the loan referred to
7 in clause (ii)(II) for the property.

8 “(ii) EXCLUDED PROPERTIES.—For
9 purposes of this subparagraph, the term
10 ‘excluded property’ means any improved
11 real estate or mobile home—

12 “(I) that is located in an eligible
13 area; and

14 “(II) for which, during the period
15 that any extension under subpara-
16 graph (A) of this paragraph of a find-
17 ing under paragraph (1) is otherwise
18 in effect for the eligible area in which
19 such property is located—

20 “(aa) a loan that is secured
21 by the property is originated; or

22 “(bb) any existing loan that
23 is secured by the property is in-
24 creased, extended, or renewed.

1 “(6) RULE OF CONSTRUCTION.—Nothing in
2 this subsection may be construed to affect the appli-
3 cability of a designation of any area as an area hav-
4 ing special flood hazards for purposes of the avail-
5 ability of flood insurance coverage, criteria for land
6 management and use, notification of flood hazards,
7 eligibility for mitigation assistance, or any other pur-
8 pose or provision not specifically referred to in para-
9 graph (2).

10 “(7) REPORTS.—The Administrator shall, in
11 each annual report submitted pursuant to section
12 1320, include information identifying each finding
13 under paragraph (1) by the Administrator during
14 the preceding year that an area is an area having
15 special flood hazards, the basis for each such find-
16 ing, any extensions pursuant to paragraph (4) of the
17 periods of effectiveness of such findings, and the
18 reasons for such extensions.”.

19 “(2) NO REFUNDS.—Nothing in this subsection
20 or the amendments made by this subsection may be
21 construed to authorize or require any payment or re-
22 fund for flood insurance coverage purchased for any
23 property that covered any period during which such
24 coverage is not required for the property pursuant to

1 the applicability of the amendment made by para-
2 graph (1).

3 (b) TERMINATION OF FORCE-PLACED INSURANCE.—
4 Section 102(e) of the Flood Disaster Protection Act of
5 1973 (42 U.S.C. 4012a(e)) is amended—

6 (1) in paragraph (2), by striking “insurance.”
7 and inserting “insurance, including premiums or
8 fees incurred for coverage beginning on the date on
9 which flood insurance coverage lapsed or did not
10 provide a sufficient coverage amount.”;

11 (2) by redesignating paragraphs (3) and (4) as
12 paragraphs (5) and (6), respectively; and

13 (3) by inserting after paragraph (2) the fol-
14 lowing new paragraphs:

15 “(3) TERMINATION OF FORCE-PLACED INSUR-
16 ANCE.—Within 30 days of receipt by the lender or
17 servicer of a confirmation of a borrower’s existing
18 flood insurance coverage, the lender or servicer
19 shall—

20 “(A) terminate the force-placed insurance;
21 and

22 “(B) refund to the borrower all force-
23 placed insurance premiums paid by the bor-
24 rower during any period during which the bor-
25 rower’s flood insurance coverage and the force-

1 placed flood insurance coverage were each in ef-
2 fect, and any related fees charged to the bor-
3 rower with respect to the force-placed insurance
4 during such period.

5 “(4) SUFFICIENCY OF DEMONSTRATION.—For
6 purposes of confirming a borrower’s existing flood
7 insurance coverage, a lender or servicer for a loan
8 shall accept from the borrower an insurance policy
9 declarations page that includes the existing flood in-
10 surance policy number and the identity of, and con-
11 tact information for, the insurance company or
12 agent.”.

13 (c) USE OF PRIVATE INSURANCE TO SATISFY MAN-
14 DATORY PURCHASE REQUIREMENT.—Section 102(b) of
15 the Flood Disaster Protection Act of 1973 (42 U.S.C.
16 4012a(b)) is amended—

17 (1) in paragraph (1)—

18 (A) by striking “lending institutions not to
19 make” and inserting “lending institutions—

20 “(A) not to make”;

21 (B) in subparagraph (A), as designated by
22 subparagraph (A) of this paragraph, by striking
23 “less.” and inserting “less; and”; and

24 (C) by adding at the end the following new
25 subparagraph:

1 “(B) to accept private flood insurance as
2 satisfaction of the flood insurance coverage re-
3 quirement under subparagraph (A) if the cov-
4 erage provided by such private flood insurance
5 meets the requirements for coverage under such
6 subparagraph.”;

7 (2) in paragraph (2), by inserting after “pro-
8 vided in paragraph (1).” the following new sentence:
9 “Each Federal agency lender shall accept private
10 flood insurance as satisfaction of the flood insurance
11 coverage requirement under the preceding sentence
12 if the flood insurance coverage provided by such pri-
13 vate flood insurance meets the requirements for cov-
14 erage under such sentence.”;

15 (3) in paragraph (3), in the matter following
16 subparagraph (B), by adding at the end the fol-
17 lowing new sentence: “The Federal National Mort-
18 gage Association and the Federal Home Loan Mort-
19 gage Corporation shall accept private flood insurance
20 as satisfaction of the flood insurance coverage re-
21 quirement under the preceding sentence if the flood
22 insurance coverage provided by such private flood in-
23 surance meets the requirements for coverage under
24 such sentence.”; and

1 (4) by adding at the end the following new
2 paragraph:

3 “(5) PRIVATE FLOOD INSURANCE DEFINED.—
4 In this subsection, the term ‘private flood insurance’
5 means a contract for flood insurance coverage al-
6 lowed for sale under the laws of any State.”.

7 **SEC. 4. REFORMS OF COVERAGE TERMS.**

8 (a) MINIMUM DEDUCTIBLES FOR CLAIMS.—Section
9 1312 of the National Flood Insurance Act of 1968 (42
10 U.S.C. 4019) is amended—

11 (1) by striking “The Director is” and inserting
12 the following: “(a) IN GENERAL.—The Adminis-
13 trator is”; and

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

15 “(b) MINIMUM ANNUAL DEDUCTIBLES.—

16 “(1) SUBSIDIZED RATE PROPERTIES.—For any
17 structure that is covered by flood insurance under
18 this title, and for which the chargeable rate for such
19 coverage is less than the applicable estimated risk
20 premium rate under section 1307(a)(1) for the area
21 (or subdivision thereof) in which such structure is
22 located, the minimum annual deductible for damage
23 to or loss of such structure shall be \$2,000.

24 “(2) ACTUARIAL RATE PROPERTIES.—For any
25 structure that is covered by flood insurance under

1 this title, for which the chargeable rate for such cov-
2 erage is not less than the applicable estimated risk
3 premium rate under section 1307(a)(1) for the area
4 (or subdivision thereof) in which such structure is
5 located, the minimum annual deductible for damage
6 to or loss of such structure shall be \$1,000.”.

7 (b) CLARIFICATION OF RESIDENTIAL AND COMMER-
8 CIAL COVERAGE LIMITS.—Section 1306(b) of the Na-
9 tional Flood Insurance Act of 1968 (42 U.S.C. 4013(b))
10 is amended—

11 (1) in paragraph (2)—

12 (A) by striking “in the case of any residen-
13 tial property” and inserting “in the case of any
14 residential building designed for the occupancy
15 of from one to four families”; and

16 (B) by striking “shall be made available to
17 every insured upon renewal and every applicant
18 for insurance so as to enable such insured or
19 applicant to receive coverage up to a total
20 amount (including such limits specified in para-
21 graph (1)(A)(i)) of \$250,000” and inserting
22 “shall be made available, with respect to any
23 single such building, up to an aggregate liability
24 (including such limits specified in paragraph
25 (1)(A)(i)) of \$250,000”; and

1 (2) in paragraph (4)—

2 (A) by striking “in the case of any nonresi-
3 dential property, including churches,” and in-
4 serting “in the case of any nonresidential build-
5 ing, including a church,”; and

6 (B) by striking “shall be made available to
7 every insured upon renewal and every applicant
8 for insurance, in respect to any single structure,
9 up to a total amount (including such limit spec-
10 ified in subparagraph (B) or (C) of paragraph
11 (1), as applicable) of \$500,000 for each struc-
12 ture and \$500,000 for any contents related to
13 each structure” and inserting “shall be made
14 available with respect to any single such build-
15 ing, up to an aggregate liability (including such
16 limits specified in subparagraph (B) or (C) of
17 paragraph (1), as applicable) of \$500,000, and
18 coverage shall be made available up to a total
19 of \$500,000 aggregate liability for contents
20 owned by the building owner and \$500,000 ag-
21 gregate liability for each unit within the build-
22 ing for contents owned by the tenant”.

23 (c) INDEXING OF MAXIMUM COVERAGE LIMITS.—
24 Subsection (b) of section 1306 of the National Flood In-
25 surance 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”;

5 (3) by redesignating paragraph (5) as para-
6 graph (7); and

7 (4) by adding at the end the following new
8 paragraph:

9 “(8) each of the dollar amount limitations
10 under paragraphs (2), (3), (4), (5), and (6) shall be
11 adjusted effective on the date of the enactment of
12 the Flood Insurance Reform Act of 2011, such ad-
13 justments shall be calculated using the percentage
14 change, over the period beginning on September 30,
15 1994, and ending on such date of enactment, in
16 such inflationary index as the Administrator shall,
17 by regulation, specify, and the dollar amount of such
18 adjustment shall be rounded to the next lower dollar;
19 and the Administrator shall cause to be published in
20 the Federal Register the adjustments under this
21 paragraph to such dollar amount limitations; except
22 that in the case of coverage for a property that is
23 made available, pursuant to this paragraph, in an
24 amount that exceeds the limitation otherwise appli-
25 cable to such coverage as specified in paragraph (2),

1 (3), (4), (5), or (6), the total of such coverage shall
2 be made available only at chargeable rates that are
3 not less than the estimated premium rates for such
4 coverage determined in accordance with section
5 1307(a)(1).”.

6 (d) OPTIONAL COVERAGE FOR LOSS OF USE OF PER-
7 SONAL RESIDENCE AND BUSINESS INTERRUPTION.—Sub-
8 section (b) of section 1306 of the National Flood Insur-
9 ance Act of 1968 (42 U.S.C. 4013(b)), as amended by
10 the preceding provisions of this section, is further amend-
11 ed by inserting after paragraph (4) the following new
12 paragraphs:

13 “(5) the Administrator may provide that, in the
14 case of any residential property, each renewal or new
15 contract for flood insurance coverage may provide
16 not more than \$5,000 aggregate liability per dwell-
17 ing unit for any necessary increases in living ex-
18 penses incurred by the insured when losses from a
19 flood make the residence unfit to live in, except
20 that—

21 “(A) purchase of such coverage shall be at
22 the option of the insured;

23 “(B) any such coverage shall be made
24 available only at chargeable rates that are not
25 less than the estimated premium rates for such

1 coverage determined in accordance with section
2 1307(a)(1); and

3 “(C) the Administrator may make such
4 coverage available only if the Administrator
5 makes a determination and causes notice of
6 such determination to be published in the Fed-
7 eral Register that—

8 “(i) a competitive private insurance
9 market for such coverage does not exist;
10 and

11 “(ii) the national flood insurance pro-
12 gram has the capacity to make such cov-
13 erage available without borrowing funds
14 from the Secretary of the Treasury under
15 section 1309 or otherwise;

16 “(6) the Administrator may provide that, in the
17 case of any commercial property or other residential
18 property, including multifamily rental property, cov-
19 erage for losses resulting from any partial or total
20 interruption of the insured’s business caused by
21 damage to, or loss of, such property from a flood
22 may be made available to every insured upon re-
23 newal and every applicant, up to a total amount of
24 \$20,000 per property, except that—

1 “(A) purchase of such coverage shall be at
2 the option of the insured;

3 “(B) any such coverage shall be made
4 available only at chargeable rates that are not
5 less than the estimated premium rates for such
6 coverage determined in accordance with section
7 1307(a)(1); and

8 “(C) the Administrator may make such
9 coverage available only if the Administrator
10 makes a determination and causes notice of
11 such determination to be published in the Fed-
12 eral Register that—

13 “(i) a competitive private insurance
14 market for such coverage does not exist;
15 and

16 “(ii) the national flood insurance pro-
17 gram has the capacity to make such cov-
18 erage available without borrowing funds
19 from the Secretary of the Treasury under
20 section 1309 or otherwise;”.

21 (e) PAYMENT OF PREMIUMS IN INSTALLMENTS FOR
22 RESIDENTIAL PROPERTIES.—Section 1306 of the Na-
23 tional Flood Insurance Act of 1968 (42 U.S.C. 4013) is
24 amended by adding at the end the following new sub-
25 section:

1 “(d) PAYMENT OF PREMIUMS IN INSTALLMENTS FOR
2 RESIDENTIAL PROPERTIES.—

3 “(1) AUTHORITY.—In addition to any other
4 terms and conditions under subsection (a), such reg-
5 ulations shall provide that, in the case of any resi-
6 dential property, premiums for flood insurance cov-
7 erage made available under this title for such prop-
8 erty may be paid in installments.

9 “(2) LIMITATIONS.—In implementing the au-
10 thority under paragraph (1), the Administrator may
11 establish increased chargeable premium rates and
12 surcharges, and deny coverage and establish such
13 other sanctions, as the Administrator considers nec-
14 essary to ensure that insureds purchase, pay for,
15 and maintain coverage for the full term of a contract
16 for flood insurance coverage or to prevent insureds
17 from purchasing coverage only for periods during a
18 year when risk of flooding is comparatively higher or
19 canceling coverage for periods when such risk is
20 comparatively lower.”.

21 “(f) EFFECTIVE DATE OF POLICIES COVERING PROP-
22 erties AFFECTED BY FLOODS IN PROGRESS.—Para-
23 graph (1) of section 1306(c) of the National Flood Insur-
24 ance Act of 1968 (42 U.S.C. 4013(c)) is amended by add-
25 ing after the period at the end the following: “With respect

1 to any flood that has commenced or is in progress before
2 the expiration of such 30-day period, such flood insurance
3 coverage for a property shall take effect upon the expira-
4 tion of such 30-day period and shall cover damage to such
5 property occurring after the expiration of such period that
6 results from such flood, but only if the property has not
7 suffered damage or loss as a result of such flood before
8 the expiration of such 30-day period.”.

9 **SEC. 5. REFORMS OF PREMIUM RATES.**

10 (a) INCREASE IN ANNUAL LIMITATION ON PREMIUM
11 INCREASES.—Section 1308(e) of the National Flood In-
12 surance Act of 1968 (42 U.S.C. 4015(e)) is amended by
13 striking “10 percent” and inserting “20 percent”.

14 (b) PHASE-IN OF RATES FOR CERTAIN PROPERTIES
15 IN NEWLY MAPPED AREAS.—

16 (1) IN GENERAL.—Section 1308 of the Na-
17 tional Flood Insurance Act of 1968 (42 U.S.C.
18 4015) is amended—

19 (A) in subsection (a), in the matter pre-
20 ceeding paragraph (1), by inserting “or notice”
21 after “prescribe by regulation”;

22 (B) in subsection (c), by inserting “and
23 subsection (g)” before the first comma; and

24 (C) by adding at the end the following new
25 subsection:

1 “(g) 5-YEAR PHASE-IN OF FLOOD INSURANCE
2 RATES FOR CERTAIN PROPERTIES IN NEWLY MAPPED
3 AREAS.—

4 “(1) 5-YEAR PHASE-IN PERIOD.—Notwith-
5 standing subsection (c) or any other provision of law
6 relating to chargeable risk premium rates for flood
7 insurance coverage under this title, in the case of
8 any area that was not previously designated as an
9 area having special flood hazards and that, pursuant
10 to any issuance, revision, updating, or other change
11 in flood insurance maps, becomes designated as such
12 an area, during the 5-month period that begins, ex-
13 cept as provided in paragraph (2), upon the date
14 that such maps, as issued, revised, updated, or oth-
15 erwise changed, become effective, the chargeable pre-
16 mium rate for flood insurance under this title with
17 respect to any covered property that is located with-
18 in such area shall be the rate described in paragraph
19 (3).

20 “(2) APPLICABILITY TO PREFERRED RISK RATE
21 AREAS.—In the case of any area described in para-
22 graph (1) that consists of or includes an area that,
23 as of date of the effectiveness of the flood insurance
24 maps for such area referred to in paragraph (1) as
25 so issued, revised, updated, or changed, is eligible

1 for any reason for preferred risk rate method pre-
2 miums for flood insurance coverage and was eligible
3 for such premiums as of the enactment of the Flood
4 Insurance Reform Act of 2011, the 5-month period
5 referred to in paragraph (1) for such area eligible
6 for preferred risk rate method premiums shall begin
7 upon the expiration of the period during which such
8 area is eligible for such preferred risk rate method
9 premiums.

10 “(3) PHASE-IN OF FULL ACTUARIAL RATES.—

11 With respect to any area described in paragraph (1),
12 the chargeable risk premium rate for flood insurance
13 under this title for a covered property that is located
14 in such area shall be—

15 “(A) for the first year of the 5-year period
16 referred to in paragraph (1), the greater of—

17 “(i) 20 percent of the chargeable risk
18 premium rate otherwise applicable under
19 this title to the property; and

20 “(ii) in the case of any property that,
21 as of the beginning of such first year, is el-
22 ible for preferred risk rate method pre-
23 miums for flood insurance coverage, such
24 preferred risk rate method premium for
25 the property;

1 “(B) for the second year of such 5-year pe-
2 riod, 40 percent of the chargeable risk premium
3 rate otherwise applicable under this title to the
4 property;

5 “(C) for the third year of such 5-year pe-
6 riod, 60 percent of the chargeable risk premium
7 rate otherwise applicable under this title to the
8 property;

9 “(D) for the fourth year of such 5-year pe-
10 riod, 80 percent of the chargeable risk premium
11 rate otherwise applicable under this title to the
12 property; and

13 “(E) for the fifth year of such 5-year pe-
14 riod, 100 percent of the chargeable risk pre-
15 mium rate otherwise applicable under this title
16 to the property.

17 “(4) COVERED PROPERTIES.—For purposes of
18 the subsection, the term ‘covered property’ means
19 any residential property occupied by its owner or a
20 bona fide tenant as a primary residence.”.

21 (2) REGULATION OR NOTICE.—The Adminis-
22 trator of the Federal Emergency Management Agen-
23 cy shall issue an interim final rule or notice to im-
24 plement this subsection and the amendments made

1 by this subsection as soon as practicable after the
2 date of the enactment of this Act.

3 (c) PHASE-IN OF ACTUARIAL RATES FOR CERTAIN
4 PROPERTIES.—

5 (1) IN GENERAL.—Section 1308(c) of the Na-
6 tional Flood Insurance Act of 1968 (42 U.S.C.
7 4015(e)) is amended—

8 (A) by redesignating paragraph (2) as
9 paragraph (7); and

10 (B) by inserting after paragraph (1) the
11 following new paragraphs:

12 “(2) COMMERCIAL PROPERTIES.—Any nonresi-
13 dential property.

14 “(3) SECOND HOMES AND VACATION HOMES.—
15 Any residential property that is not the primary res-
16 idence of any individual.

17 “(4) HOMES SOLD TO NEW OWNERS.—Any sin-
18 gle family property that—

19 “(A) has been constructed or substantially
20 improved and for which such construction or
21 improvement was started, as determined by the
22 Administrator, before December 31, 1974, or
23 before the effective date of the initial rate map
24 published by the Administrator under para-
25 graph (2) of section 1360(a) for the area in

1 which such property is located, whichever is
2 later; and

3 “(B) is purchased after the effective date
4 of this paragraph, pursuant to section
5 5(e)(3)(A) of the Flood Insurance Reform Act
6 of 2011.

7 “(5) HOMES DAMAGED OR IMPROVED.—Any
8 property that, on or after the date of the enactment
9 of the Flood Insurance Reform Act of 2011, has ex-
10 perienced or sustained—

11 “(A) substantial flood damage exceeding
12 50 percent of the fair market value of such
13 property; or

14 “(B) substantial improvement exceeding
15 30 percent of the fair market value of such
16 property.

17 “(6) HOMES WITH MULTIPLE CLAIMS.—Any se-
18 vere repetitive loss property (as such term is defined
19 in section 1366(j)).”.

20 (2) TECHNICAL AMENDMENTS.—Section 1308
21 of the National Flood Insurance Act of 1968 (42
22 U.S.C. 4015) is amended—

23 (A) in subsection (c)—

24 (i) in the matter preceding paragraph

25 (1), by striking “the limitations provided

1 under paragraphs (1) and (2)” and insert-
2 ing “subsection (e)”;

3 (ii) in paragraph (1), by striking “,
4 except” and all that follows through “sub-
5 section (e)”;

6 (B) in subsection (e), by striking “para-
7 graph (2) or (3)” and inserting “paragraph
8 (7)”.

9 (3) EFFECTIVE DATE AND TRANSITION.—

10 (A) EFFECTIVE DATE.—The amendments
11 made by paragraphs (1) and (2) shall apply be-
12 ginning upon the expiration of the 12-month
13 period that begins on the date of the enactment
14 of this Act, except as provided in subparagraph
15 (B) of this paragraph.

16 (B) TRANSITION FOR PROPERTIES COV-
17 ERED BY FLOOD INSURANCE UPON EFFECTIVE
18 DATE.—

19 (i) INCREASE OF RATES OVER TIME.—

20 In the case of any property described in
21 paragraph (2), (3), (4), (5), or (6) of sec-
22 tion 1308(c) of the National Flood Insur-
23 ance Act of 1968, as amended by para-
24 graph (1) of this subsection, that, as of the
25 effective date under subparagraph (A) of

1 this paragraph, is covered under a policy
2 for flood insurance made available under
3 the national flood insurance program for
4 which the chargeable premium rates are
5 less than the applicable estimated risk pre-
6 mium rate under section 1307(a)(1) of
7 such Act for the area in which the prop-
8 erty is located, the Administrator of the
9 Federal Emergency Management Agency
10 shall increase the chargeable premium
11 rates for such property over time to such
12 applicable estimated risk premium rate
13 under section 1307(a)(1).

14 (ii) AMOUNT OF ANNUAL INCREASE.—

15 Such increase shall be made by increasing
16 the chargeable premium rates for the prop-
17 erty (after application of any increase in
18 the premium rates otherwise applicable to
19 such property), once during the 12-month
20 period that begins upon the effective date
21 under subparagraph (A) of this paragraph
22 and once every 12 months thereafter until
23 such increase is accomplished, by 20 per-
24 cent (or such lesser amount as may be nec-
25 essary so that the chargeable rate does not

1 exceed such applicable estimated risk pre-
2 mium rate or to comply with clause (iii)).

3 (iii) PROPERTIES SUBJECT TO PHASE-
4 IN AND ANNUAL INCREASES.—In the case
5 of any pre-FIRM property (as such term is
6 defined in section 578(b) of the National
7 Flood Insurance Reform Act of 1974), the
8 aggregate increase, during any 12-month
9 period, in the chargeable premium rate for
10 the property that is attributable to this
11 subparagraph or to an increase described
12 in section 1308(e) of the National Flood
13 Insurance Act of 1968 may not exceed 20
14 percent.

15 (iv) FULL ACTUARIAL RATES.—The
16 provisions of paragraphs (2), (3), (4), (5),
17 and (6) of such section 1308(c) shall apply
18 to such a property upon the accomplish-
19 ment of the increase under this subpara-
20 graph and thereafter.

21 (d) PROHIBITION OF EXTENSION OF SUBSIDIZED
22 RATES TO LAPSED POLICIES.—Section 1308 of the Na-
23 tional Flood Insurance Act of 1968 (42 U.S.C. 4015), as
24 amended by the preceding provisions of this Act, is further
25 amended—

1 (1) in subsection (e), by inserting “or sub-
2 section (h)” after “subsection (c)”; and

3 (2) by adding at the end the following new sub-
4 section:

5 “(h) PROHIBITION OF EXTENSION OF SUBSIDIZED
6 RATES TO LAPSED POLICIES.—Notwithstanding any
7 other provision of law relating to chargeable risk premium
8 rates for flood insurance coverage under this title, the Ad-
9 ministrator shall not provide flood insurance coverage
10 under this title for any property for which a policy for
11 such coverage for the property has previously lapsed in
12 coverage as a result of the deliberate choice of the holder
13 of such policy, at a rate less than the applicable estimated
14 risk premium rates for the area (or subdivision thereof)
15 in which such property is located.”.

16 (e) RECOGNITION OF STATE AND LOCAL FUNDING
17 FOR CONSTRUCTION, RECONSTRUCTION, AND IMPROVE-
18 MENT OF FLOOD PROTECTION SYSTEMS IN DETERMINA-
19 TION OF RATES.—

20 (1) IN GENERAL.—Section 1307 of the Na-
21 tional Flood Insurance Act of 1968 (42 U.S.C.
22 4014) is amended—

23 (A) in subsection (e)—

24 (i) in the first sentence, by striking
25 “construction of a flood protection system”

1 and inserting “construction, reconstruc-
2 tion, or improvement of a flood protection
3 system (without respect to the level of Fed-
4 eral investment or participation)”; and

5 (ii) in the second sentence—

6 (I) by striking “construction of a
7 flood protection system” and inserting
8 “construction, reconstruction, or im-
9 provement of a flood protection sys-
10 tem”; and

11 (II) by inserting “based on the
12 present value of the completed sys-
13 tem” after “has been expended”; and
14 (B) in subsection (f)—

15 (i) in the first sentence in the matter
16 preceding paragraph (1), by inserting
17 “(without respect to the level of Federal
18 investment or participation)” before the
19 period at the end;

20 (ii) in the third sentence in the matter
21 preceding paragraph (1), by inserting “,
22 whether coastal or riverine,” after “special
23 flood hazard”; and

24 (iii) in paragraph (1), by striking “a
25 Federal agency in consultation with the

1 local project sponsor” and inserting “the
2 entity or entities that own, operate, main-
3 tain, or repair such system”.

4 (2) REGULATIONS.—The Administrator of the
5 Federal Emergency Management Agency shall pro-
6 mulgate regulations to implement this subsection
7 and the amendments made by this subsection as
8 soon as practicable, but not more than 18 months
9 after the date of the enactment of this Act. Para-
10 graph (3) may not be construed to annul, alter, af-
11 fect, authorize any waiver of, or establish any excep-
12 tion to, the requirement under the preceding sen-
13 tence.

14 **SEC. 6. TECHNICAL MAPPING ADVISORY COUNCIL.**

15 (a) ESTABLISHMENT.—There is established a council
16 to be known as the Technical Mapping Advisory Council
17 (in this section referred to as the “Council”).

18 (b) MEMBERSHIP.—

19 (1) IN GENERAL.—The Council shall consist
20 of—

21 (A) the Administrator of the Federal
22 Emergency Management Agency (in this section
23 referred to as the “Administrator”), or the des-
24 ignee thereof;

1 (B) the Director of the United States Geo-
2 logical Survey of the Department of the Inte-
3 rior, or the designee thereof;

4 (C) the Under Secretary of Commerce for
5 Oceans and Atmosphere, or the designee there-
6 of;

7 (D) the commanding officer of the United
8 States Army Corps of Engineers, or the des-
9 ignee thereof;

10 (E) the chief of the Natural Resources
11 Conservation Service of the Department of Ag-
12 riculture, or the designee thereof;

13 (F) the Director of the United States Fish
14 and Wildlife Service of the Department of the
15 Interior, or the designee thereof;

16 (G) the Assistant Administrator for Fish-
17 eries of the National Oceanic and Atmospheric
18 Administration of the Department of Com-
19 merce, or the designee thereof; and

20 (H) 14 additional members to be appointed
21 by the Administrator of the Federal Emergency
22 Management Agency, who shall be—

23 (i) an expert in data management;

24 (ii) an expert in real estate;

25 (iii) an expert in insurance;

- 1 (iv) a member of a recognized regional
2 flood and storm water management organi-
3 zation;
- 4 (v) a representative of a State emer-
5 gency management agency or association
6 or organization for such agencies;
- 7 (vi) a member of a recognized profes-
8 sional surveying association or organiza-
9 tion;
- 10 (vii) a member of a recognized profes-
11 sional mapping association or organization;
- 12 (viii) a member of a recognized pro-
13 fessional engineering association or organi-
14 zation;
- 15 (ix) a member of a recognized profes-
16 sional association or organization rep-
17 resenting flood hazard determination firms;
- 18 (x) a representative of State national
19 flood insurance coordination offices;
- 20 (xi) representatives of two local gov-
21 ernments, at least one of whom is a local
22 levee flood manager or executive, des-
23 ignated by the Federal Emergency Man-
24 agement Agency as Cooperating Technical
25 Partners; and

1 (xii) representatives of two State gov-
2 ernments designated by the Federal Emer-
3 gency Management Agency as Cooperating
4 Technical States.

5 (2) QUALIFICATIONS.—Members of the Council
6 shall be appointed based on their demonstrated
7 knowledge and competence regarding surveying, car-
8 tography, remote sensing, geographic information
9 systems, or the technical aspects of preparing and
10 using flood insurance rate maps. In appointing
11 members under paragraph (1)(I), the Administrator
12 shall ensure that the membership of the Council has
13 a balance of Federal, State, local, and private mem-
14 bers, and includes an adequate number of represent-
15 atives from the States with coastline on the Gulf of
16 Mexico and other States containing areas identified
17 by the Administrator of the Federal Emergency
18 Management Agency as at high-risk for flooding or
19 special flood hazard areas.

20 (c) DUTIES.—

21 (1) NEW MAPPING STANDARDS.—Not later than
22 the expiration of the 12-month period beginning
23 upon the date of the enactment of this Act, the
24 Council shall develop and submit to the Adminis-
25 trator and the Congress proposed new mapping

1 standards for 100-year flood insurance rate maps
2 used under the national flood insurance program
3 under the National Flood Insurance Act of 1968. In
4 developing such proposed standards the Council
5 shall—

6 (A) ensure that the flood insurance rate
7 maps reflect true risk, including graduated risk
8 that better reflects the financial risk to each
9 property; such reflection of risk should be at
10 the smallest geographic level possible (but not
11 necessarily property-by-property) to ensure that
12 communities are mapped in a manner that
13 takes into consideration different risk levels
14 within the community;

15 (B) ensure the most efficient generation,
16 display, and distribution of flood risk data,
17 models, and maps where practicable through
18 dynamic digital environments using spatial
19 database technology and the Internet;

20 (C) ensure that flood insurance rate maps
21 reflect current hydrologic and hydraulic data,
22 current land use, and topography, incorporating
23 the most current and accurate ground and
24 bathymetric elevation data;

1 (D) determine the best ways to include in
2 such flood insurance rate maps levees, decerti-
3 fied levees, and areas located below dams, in-
4 cluding determining a methodology for ensuring
5 that decertified levees and other protections are
6 included in flood insurance rate maps and their
7 corresponding flood zones reflect the level of
8 protection conferred;

9 (E) consider how to incorporate restored
10 wetlands and other natural buffers into flood
11 insurance rate maps, which may include wet-
12 lands, groundwater recharge areas, erosion
13 zones, meander belts, endangered species habi-
14 tat, barrier islands and shoreline buffer fea-
15 tures, riparian forests, and other features;

16 (F) consider whether to use vertical posi-
17 tioning (as defined by the Administrator) for
18 flood insurance rate maps;

19 (G) ensure that flood insurance rate maps
20 differentiate between a property that is located
21 in a flood zone and a structure located on such
22 property that is not at the same risk level for
23 flooding as such property due to the elevation
24 of the structure;

1 (H) ensure that flood insurance rate maps
2 take into consideration the best scientific data
3 and potential future conditions (including pro-
4 jections for sea level rise); and

5 (I) consider how to incorporate the new
6 standards proposed pursuant to this paragraph
7 in existing mapping efforts.

8 (2) ONGOING DUTIES.—The Council shall, on
9 an ongoing basis, review the mapping protocols de-
10 veloped pursuant to paragraph (1), and make rec-
11 ommendations to the Administrator when the Coun-
12 cil determines that mapping protocols should be al-
13 tered.

14 (3) MEETINGS.—In carrying out its duties
15 under this section, the Council shall consult with
16 stakeholders through at least 4 public meetings an-
17 nually, and shall seek input of all stakeholder inter-
18 ests including State and local representatives, envi-
19 ronmental and conservation organizations, insurance
20 industry representatives, advocacy groups, planning
21 organizations, and mapping organizations.

22 (d) PROHIBITION ON COMPENSATION.—Members of
23 the Council shall receive no additional compensation by
24 reason of their service on the Council.

1 (e) CHAIRPERSON.—The Administrator shall serve as
2 the Chairperson of the Council.

3 (f) STAFF.—

4 (1) FEMA.—Upon the request of the Council,
5 the Administrator may detail, on a nonreimbursable
6 basis, personnel of the Federal Emergency Manage-
7 ment Agency to assist the Council in carrying out its
8 duties.

9 (2) OTHER FEDERAL AGENCIES.—Upon request
10 of the Council, any other Federal agency that is a
11 member of the Council may detail, on a non-reim-
12 bursable basis, personnel to assist the Council in
13 carrying out its duties.

14 (g) POWERS.—In carrying out this section, the Coun-
15 cil may hold hearings, receive evidence and assistance, pro-
16 vide information, and conduct research, as the Council
17 considers appropriate.

18 (h) TERMINATION.—The Council shall terminate
19 upon the expiration of the 5-year period beginning on the
20 date of the enactment of this Act.

21 (i) MORATORIUM ON FLOOD MAP CHANGES.—

22 (1) MORATORIUM.—Except as provided in para-
23 graph (2) and notwithstanding any other provision
24 of this Act, the National Flood Insurance Act of
25 1968, or the Flood Disaster Protection Act of 1973,

1 during the period beginning upon the date of the en-
2 actment of this Act and ending upon the submission
3 by the Council to the Administrator and the Con-
4 gress of the proposed new mapping standards re-
5 quired under subsection (e)(1), the Administrator
6 may not make effective any new or updated rate
7 maps for flood insurance coverage under the na-
8 tional flood insurance program that were not in ef-
9 fect for such program as of such date of enactment,
10 or otherwise revise, update, or change the flood in-
11 surance rate maps in effect for such program as of
12 such date.

13 (2) LETTERS OF MAP CHANGE.—During the pe-
14 riod described in paragraph (1), the Administrator
15 may revise, update, and change the flood insurance
16 rate maps in effect for the national flood insurance
17 program only pursuant to a letter of map change
18 (including a letter of map amendment, letter of map
19 revision, and letter of map revision based on fill).

20 **SEC. 7. FEMA INCORPORATION OF NEW MAPPING PROTO-**
21 **COLS.**

22 (a) NEW RATE MAPPING STANDARDS.—Not later
23 than the expiration of the 6-month period beginning upon
24 submission by the Technical Mapping Advisory Council
25 under section 6 of the proposed new mapping standards

1 for flood insurance rate maps used under the national
2 flood insurance program developed by the Council pursu-
3 ant to section 6(c), the Administrator of the Federal
4 Emergency Management Agency (in this section referred
5 to as the “Administrator”) shall establish new standards
6 for such rate maps based on such proposed new standards
7 and the recommendations of the Council.

8 (b) REQUIREMENTS.—The new standards for flood
9 insurance rate maps established by the Administrator pur-
10 suant to subsection (a) shall—

11 (1) delineate and include in any such rate
12 maps—

13 (A) all areas located within the 100-year
14 flood plain; and

15 (B) areas subject to graduated and other
16 risk levels, to the maximum extent possible;

17 (2) ensure that any such rate maps—

18 (A) include levees, including decertified lev-
19 ees, and the level of protection they confer;

20 (B) reflect current land use and topog-
21 raphy and incorporate the most current and ac-
22 curate ground level data;

23 (C) take into consideration the impacts
24 and use of fill and the flood risks associated
25 with altered hydrology;

1 (D) differentiate between a property that
2 is located in a flood zone and a structure lo-
3 cated on such property that is not at the same
4 risk level for flooding as such property due to
5 the elevation of the structure;

6 (E) identify and incorporate natural fea-
7 tures and their associated flood protection bene-
8 fits into mapping and rates; and

9 (F) identify, analyze, and incorporate the
10 impact of significant changes to building and
11 development throughout any river or costal
12 water system, including all tributaries, which
13 may impact flooding in areas downstream; and

14 (3) provide that such rate maps are developed
15 on a watershed basis.

16 (c) REPORT.—If, in establishing new standards for
17 flood insurance rate maps pursuant to subsection (a) of
18 this section, the Administrator does not implement all of
19 the recommendations of the Council made under the pro-
20 posed new mapping standards developed by the Council
21 pursuant to section 6(c), upon establishment of the new
22 standards the Administrator shall submit a report to the
23 Committee on Financial Services of the House of Rep-
24 resentatives and the Committee on Banking, Housing, and
25 Urban Affairs of the Senate specifying which such rec-

1 ommendations were not adopted and explaining the rea-
2 sons such recommendations were not adopted.

3 (d) IMPLEMENTATION.—The Administrator shall, not
4 later than the expiration of the 6-month period beginning
5 upon establishment of the new standards for flood insur-
6 ance rate maps pursuant to subsection (a) of this section,
7 commence use of the new standards and updating of flood
8 insurance rate maps in accordance with the new stand-
9 ards. Not later than the expiration of the 10-year period
10 beginning upon the establishment of such new standards,
11 the Administrator shall complete updating of all flood in-
12 surance rate maps in accordance with the new standards,
13 subject to the availability of sufficient amounts for such
14 activities provided in appropriation Acts.

15 (e) TEMPORARY SUSPENSION OF MANDATORY PUR-
16 CHASE REQUIREMENT FOR CERTAIN PROPERTIES.—

17 (1) SUBMISSION OF ELEVATION CERTIFI-
18 CATE.—Subject to paragraphs (2) and (3) of this
19 subsection, subsections (a), (b), and (e) of section
20 102 of the Flood Disaster Protection Act of 1973
21 (42 U.S.C. 4012a), and section 202(a) of such Act,
22 shall not apply to a property located in an area des-
23 ignated as having a special flood hazard if the owner
24 of such property submits to the Administrator an
25 elevation certificate for such property showing that

1 the lowest level of the primary residence on such
2 property is at an elevation that is at least three feet
3 higher than the elevation of the 100-year flood plain.

4 (2) REVIEW OF CERTIFICATE.—The Adminis-
5 trator shall accept as conclusive each elevation cer-
6 tificate submitted under paragraph (1) unless the
7 Administrator conducts a subsequent elevation sur-
8 vey and determines that the lowest level of the pri-
9 mary residence on the property in question is not at
10 an elevation that is at least three feet higher than
11 the elevation of the 100-year flood plain. The Ad-
12 ministrator shall provide any such subsequent ele-
13 vation survey to the owner of such property.

14 (3) DETERMINATIONS FOR PROPERTIES ON
15 BORDERS OF SPECIAL FLOOD HAZARD AREAS.—

16 (A) EXPEDITED DETERMINATION.—In the
17 case of any survey for a property submitted to
18 the Administrator pursuant to paragraph (1)
19 showing that a portion of the property is lo-
20 cated within an area having special flood haz-
21 ards and that a structure located on the prop-
22 erty is not located within such area having spe-
23 cial flood hazards, the Administrator shall expe-
24 ditiously process any request made by an owner
25 of the property for a determination pursuant to

1 paragraph (2) or a determination of whether
2 the structure is located within the area having
3 special flood hazards.

4 (B) PROHIBITION OF FEE.—If the Admin-
5 istrator determines pursuant to subparagraph
6 (A) that the structure on the property is not lo-
7 cated within the area having special flood haz-
8 ards, the Administrator shall not charge a fee
9 for reviewing the flood hazard data and shall
10 not require the owner to provide any additional
11 elevation data.

12 (C) SIMPLIFICATION OF REVIEW PROC-
13 ESS.—The Administrator shall collaborate with
14 private sector flood insurers to simplify the re-
15 view process for properties described in sub-
16 paragraph (A) and to ensure that the review
17 process provides for accurate determinations.

18 (4) TERMINATION OF AUTHORITY.—This sub-
19 section shall cease to apply to a property on the date
20 on which the Administrator updates the flood insur-
21 ance rate map that applies to such property in ac-
22 cordance with the requirements of subsection (d).

1 **SEC. 8. TREATMENT OF LEVEES.**

2 Section 1360 of the National Flood Insurance Act of
3 1968 (42 U.S.C. 4101) is amended by adding at the end
4 the following new subsection:

5 “(k) TREATMENT OF LEVEES.—The Administrator
6 may not issue flood insurance maps, or make effective up-
7 dated flood insurance maps, that omit or disregard the
8 actual protection afforded by an existing levee, floodwall,
9 pump or other flood protection feature, regardless of the
10 accreditation status of such feature.”.

11 **SEC. 9. PRIVATIZATION INITIATIVES.**

12 (a) FEMA AND GAO REPORTS.—Not later than the
13 expiration of the 18-month period beginning on the date
14 of the enactment of this Act, the Administrator of the
15 Federal Emergency Management Agency and the Comp-
16 troller General of the United States shall each conduct a
17 separate study to assess a broad range of options, meth-
18 ods, and strategies for privatizing the national flood insur-
19 ance program and shall each submit a report to the Com-
20 mittee on Financial Services of the House of Representa-
21 tives and the Committee on Banking, Housing, and Urban
22 Affairs of the Senate with recommendations for the best
23 manner to accomplish such privatization.

24 (b) PRIVATE RISK-MANAGEMENT INITIATIVES.—

25 (1) AUTHORITY.—The Administrator of the
26 Federal Emergency Management Agency may carry

1 out such private risk-management initiatives under
2 the national flood insurance program as the Admin-
3 istrator considers appropriate to determine the ca-
4 pacity of private insurers, reinsurers, and financial
5 markets to assist communities, on a voluntary basis
6 only, in managing the full range of financial risks
7 associated with flooding.

8 (2) ASSESSMENT.—Not later than the expira-
9 tion of the 12-month period beginning on the date
10 of the enactment of this Act, the Administrator shall
11 assess the capacity of the private reinsurance, cap-
12 ital, and financial markets by seeking proposals to
13 assume a portion of the program’s insurance risk
14 and submit to the Congress a report describing the
15 response to such request for proposals and the re-
16 sults of such assessment.

17 (3) PROTOCOL FOR RELEASE OF DATA.—The
18 Administrator shall develop a protocol to provide for
19 the release of data sufficient to conduct the assess-
20 ment required under paragraph (2).

21 (c) REINSURANCE.—The National Flood Insurance
22 Act of 1968 is amended—

23 (1) in section 1331(a)(2) (42 U.S.C.
24 4051(a)(2)), by inserting “, including as reinsurance

1 of insurance coverage provided by the flood insur-
2 ance program” before “, on such terms”;

3 (2) in section 1332(c)(2) (42 U.S.C.
4 4052(c)(2)), by inserting “or reinsurance” after
5 “flood insurance coverage”;

6 (3) in section 1335(a) (42 U.S.C. 4055(a))—

7 (A) by inserting “(1)” after “(a)”; and

8 (B) by adding at the end the following new
9 paragraph:

10 “(2) The Administrator is authorized to secure rein-
11 surance coverage of coverage provided by the flood insur-
12 ance program from private market insurance, reinsurance,
13 and capital market sources at rates and on terms deter-
14 mined by the Administrator to be reasonable and appro-
15 priate in an amount sufficient to maintain the ability of
16 the program to pay claims and that minimizes the likeli-
17 hood that the program will utilize the borrowing authority
18 provided under section 1309.”;

19 (4) in section 1346(a) (12 U.S.C. 4082(a))—

20 (A) in the matter preceding paragraph (1),
21 by inserting “, or for purposes of securing rein-
22 surance of insurance coverage provided by the
23 program,” before “of any or all of”;

24 (B) in paragraph (1)—

1 (i) by striking “estimating” and in-
2 serting “Estimating”; and

3 (ii) by striking the semicolon at the
4 end and inserting a period;

5 (C) in paragraph (2)—

6 (i) by striking “receiving” and insert-
7 ing “Receiving”; and

8 (ii) by striking the semicolon at the
9 end and inserting a period;

10 (D) in paragraph (3)—

11 (i) by striking “making” and inserting
12 “Making”; and

13 (ii) by striking “; and” and inserting
14 a period;

15 (E) in paragraph (4)—

16 (i) by striking “otherwise” and insert-
17 ing “Otherwise”; and

18 (ii) by redesignating such paragraph
19 as paragraph (5); and

20 (F) by inserting after paragraph (3) the
21 following new paragraph:

22 “(4) Placing reinsurance coverage on insurance
23 provided by such program.”; and

24 (5) in section 1370(a)(3) (42 U.S.C.
25 4121(a)(3)), by inserting before the semicolon at the

1 end the following: “, is subject to the reporting re-
2 quirements of the Securities Exchange Act of 1934,
3 pursuant to section 13(a) or 15(d) of such Act (15
4 U.S.C. 78m(a), 78o(d)), or is authorized by the Ad-
5 ministrator to assume reinsurance on risks insured
6 by the flood insurance program”.

7 (d) ASSESSMENT OF CLAIMS-PAYING ABILITY.—

8 (1) ASSESSMENT.—Not later than September
9 30 of each year, the Administrator of the Federal
10 Emergency Management Agency shall conduct an
11 assessment of the claims-paying ability of the na-
12 tional flood insurance program, including the pro-
13 gram’s utilization of private sector reinsurance and
14 reinsurance equivalents, with and without reliance
15 on borrowing authority under section 1309 of the
16 National Flood Insurance Act of 1968 (42 U.S.C.
17 4016). In conducting the assessment, the Adminis-
18 trator shall take into consideration regional con-
19 centrations of coverage written by the program, peak
20 flood zones, and relevant mitigation measures.

21 (2) REPORT.—The Administrator shall submit
22 a report to the Congress of the results of each such
23 assessment, and make such report available to the
24 public, not later than 30 days after completion of
25 the assessment.

1 **SEC. 10. FEMA ANNUAL REPORT ON INSURANCE PROGRAM.**

2 Section 1320 of the National Flood Insurance Act of
3 1968 (42 U.S.C. 4027) is amended—

4 (1) in the section heading, by striking “REPORT
5 TO THE PRESIDENT” and inserting “ANNUAL RE-
6 PORT TO CONGRESS”;

7 (2) in subsection (a)—

8 (A) by striking “biennially”;

9 (B) by striking “the President for submis-
10 sion to”; and

11 (C) by inserting “not later than June 30
12 of each year” before the period at the end;

13 (3) in subsection (b), by striking “biennial” and
14 inserting “annual”; and

15 (4) by adding at the end the following new sub-
16 section:

17 “(c) **FINANCIAL STATUS OF PROGRAM.**—The report
18 under this section for each year shall include information
19 regarding the financial status of the national flood insur-
20 ance program under this title, including a description of
21 the financial status of the National Flood Insurance Fund
22 and current and projected levels of claims, premium re-
23 ceipts, expenses, and borrowing under the program.”.

1 **SEC. 11. MITIGATION ASSISTANCE.**

2 (a) MITIGATION ASSISTANCE GRANTS.—Section
3 1366 of the National Flood Insurance Act of 1968 (42
4 U.S.C. 4104c) is amended—

5 (1) in subsection (a), by striking the last sen-
6 tence and inserting the following: “Such financial
7 assistance shall be made available—

8 “(1) to States and communities in the form of
9 grants under this section for carrying out mitigation
10 activities;

11 “(2) to States and communities in the form of
12 grants under this section for carrying out mitigation
13 activities that reduce flood damage to severe repet-
14 itive loss structures; and

15 “(3) to property owners in the form of direct
16 grants under this section for carrying out mitigation
17 activities that reduce flood damage to individual
18 structures for which 2 or more claim payments for
19 losses have been made under flood insurance cov-
20 erage under this title if the Administrator, after con-
21 sultation with the State and community, determines
22 that neither the State nor community in which such
23 a structure is located has the capacity to manage
24 such grants.”.

25 (2) by striking subsection (b);

26 (3) in subsection (c)—

1 (A) by striking “flood risk” and inserting
2 “multi-hazard”;

3 (B) by striking “provides protection
4 against” and inserting “examines reduction of”;
5 and

6 (C) by redesignating such subsection as
7 subsection (b);

8 (4) by striking subsection (d);

9 (5) in subsection (e)—

10 (A) in paragraph (1), by striking the para-
11 graph designation and all that follows through
12 the end of the first sentence and inserting the
13 following:

14 “(1) REQUIREMENT OF CONSISTENCY WITH AP-
15 PROVED MITIGATION PLAN.—Amounts provided
16 under this section may be used only for mitigation
17 activities that are consistent with mitigation plans
18 that are approved by the Administrator and identi-
19 fied under subparagraph (4).”;

20 (B) by striking paragraphs (2), (3), and
21 (4) and inserting the following new paragraphs:

22 “(2) REQUIREMENTS OF TECHNICAL FEASI-
23 BILITY, COST EFFECTIVENESS, AND INTEREST OF
24 NFIF.—The Administrator may approve only mitiga-
25 tion activities that the Administrator determines are

1 technically feasible and cost-effective and in the in-
2 terest of, and represent savings to, the National
3 Flood Insurance Fund. In making such determina-
4 tions, the Administrator shall take into consideration
5 recognized benefits that are difficult to quantify.

6 “(3) PRIORITY FOR MITIGATION ASSISTANCE.—

7 In providing grants under this section for mitigation
8 activities, the Administrator shall give priority for
9 funding to activities that the Administrator deter-
10 mines will result in the greatest savings to the Na-
11 tional Flood Insurance Fund, including activities
12 for—

13 “(A) severe repetitive loss structures;

14 “(B) repetitive loss structures; and

15 “(C) other subsets of structures as the Ad-
16 ministrator may establish.”;

17 (C) in paragraph (5)—

18 (i) by striking all of the matter that
19 precedes subparagraph (A) and inserting
20 the following:

21 “(4) ELIGIBLE ACTIVITIES.—Eligible ac-
22 tivities may include—”;

23 (ii) by striking subparagraphs (E) and
24 (H);

1 (iii) by redesignating subparagraphs
2 (D), (F), and (G) as subparagraphs (E),
3 (G), and (H);

4 (iv) by inserting after subparagraph
5 (C) the following new subparagraph:

6 “(D) elevation, relocation, and
7 floodproofing of utilities (including equipment
8 that serve structures);”;

9 (v) by inserting after subparagraph
10 (E), as so redesignated by clause (iii) of
11 this subparagraph, the following new sub-
12 paragraph:

13 “(F) the development or update of State,
14 local, or Indian tribal mitigation plans which
15 meet the planning criteria established by the
16 Administrator, except that the amount from
17 grants under this section that may be used
18 under this subparagraph may not exceed
19 \$50,000 for any mitigation plan of a State or
20 \$25,000 for any mitigation plan of a local gov-
21 ernment or Indian tribe;”;

22 (vi) in subparagraph (H); as so redesi-
23 gnated by clause (iii) of this subpara-
24 graph, by striking “and” at the end; and

1 (vii) by adding at the end the fol-
2 lowing new subparagraphs:

3 “(I) other mitigation activities not de-
4 scribed in subparagraphs (A) through (G) or
5 the regulations issued under subparagraph (H),
6 that are described in the mitigation plan of a
7 State, community, or Indian tribe; and

8 “(J) personnel costs for State staff that
9 provide technical assistance to communities to
10 identify eligible activities, to develop grant ap-
11 plications, and to implement grants awarded
12 under this section, not to exceed \$50,000 per
13 State in any Federal fiscal year, so long as the
14 State applied for and was awarded at least
15 \$1,000,000 in grants available under this sec-
16 tion in the prior Federal fiscal year; the re-
17 quirements of subsections (d)(1) and (d)(2)
18 shall not apply to the activity under this sub-
19 paragraph.”;

20 (D) by adding at the end the following new
21 paragraph:

22 “(6) ELIGIBILITY OF DEMOLITION AND RE-
23 BUILDING OF PROPERTIES.—The Administrator
24 shall consider as an eligible activity the demolition
25 and rebuilding of properties to at least base flood

1 elevation or greater, if required by the Administrator
2 or if required by any State regulation or local ordi-
3 nance, and in accordance with criteria established by
4 the Administrator.”; and

5 (E) by redesignating such subsection as
6 subsection (c);

7 (6) by striking subsections (f), (g), and (h) and
8 inserting the following new subsection:

9 “(d) MATCHING REQUIREMENT.—The Administrator
10 may provide grants for eligible mitigation activities as fol-
11 lows:

12 “(1) SEVERE REPETITIVE LOSS STRUCTURES.—
13 In the case of mitigation activities to severe repet-
14 itive loss structures, in an amount up to 100 percent
15 of all eligible costs.

16 “(2) REPETITIVE LOSS STRUCTURES.—In the
17 case of mitigation activities to repetitive loss struc-
18 tures, in an amount up to 90 percent of all eligible
19 costs.

20 “(3) OTHER MITIGATION ACTIVITIES.—In the
21 case of all other mitigation activities, in an amount
22 up to 75 percent of all eligible costs.”;

23 (7) in subsection (i)—

24 (A) in paragraph (2)—

1 (i) by striking “certified under sub-
2 section (g)” and inserting “required under
3 subsection (d)”; and

4 (ii) by striking “3 times the amount”
5 and inserting “the amount”; and

6 (B) by redesignating such subsection as
7 subsection (e);

8 (8) in subsection (j)—

9 (A) in paragraph (1), by striking “Riegle
10 Community Development and Regulatory Im-
11 provement Act of 1994” and inserting “Flood
12 Insurance Reform Act of 2011”;

13 (B) by redesignating such subsection as
14 subsection (f); and

15 (9) by striking subsections (k) and (m) and in-
16 serting the following new subsections:

17 “(g) FAILURE TO MAKE GRANT AWARD WITHIN 5
18 YEARS.—For any application for a grant under this sec-
19 tion for which the Administrator fails to make a grant
20 award within 5 years of the date of application, the grant
21 application shall be considered to be denied and any fund-
22 ing amounts allocated for such grant applications shall re-
23 main in the National Flood Mitigation Fund under section
24 1367 of this title and shall be made available for grants
25 under this section.

1 “(h) LIMITATION ON FUNDING FOR MITIGATION AC-
2 TIVITIES FOR SEVERE REPETITIVE LOSS STRUCTURES.—
3 The amount used pursuant to section 1310(a)(8) in any
4 fiscal year may not exceed \$40,000,000 and shall remain
5 available until expended.

6 “(i) DEFINITIONS.—For purposes of this section, the
7 following definitions shall apply:

8 “(1) COMMUNITY.—The term ‘community’
9 means—

10 “(A) a political subdivision that—

11 “(i) has zoning and building code ju-
12 risdiction over a particular area having
13 special flood hazards, and

14 “(ii) is participating in the national
15 flood insurance program; or

16 “(B) a political subdivision of a State, or
17 other authority, that is designated by political
18 subdivisions, all of which meet the requirements
19 of subparagraph (A), to administer grants for
20 mitigation activities for such political subdivi-
21 sions.

22 “(2) REPETITIVE LOSS STRUCTURE.—The term
23 ‘repetitive loss structure’ has the meaning given
24 such term in section 1370.

1 “(3) SEVERE REPETITIVE LOSS STRUCTURE.—

2 The term ‘severe repetitive loss structure’ means a
3 structure that—

4 “(A) is covered under a contract for flood
5 insurance made available under this title; and

6 “(B) has incurred flood-related damage—

7 “(i) for which 4 or more separate
8 claims payments have been made under
9 flood insurance coverage under this title,
10 with the amount of each such claim ex-
11 ceeding \$15,000, and with the cumulative
12 amount of such claims payments exceeding
13 \$60,000; or

14 “(ii) for which at least 2 separate
15 claims payments have been made under
16 such coverage, with the cumulative amount
17 of such claims exceeding the value of the
18 insured structure.”.

19 (b) ELIMINATION OF GRANTS PROGRAM FOR REPET-
20 ITIVE INSURANCE CLAIMS PROPERTIES.—Chapter I of
21 the National Flood Insurance Act of 1968 is amended by
22 striking section 1323 (42 U.S.C. 4030).

23 (c) ELIMINATION OF PILOT PROGRAM FOR MITIGA-
24 TION OF SEVERE REPETITIVE LOSS PROPERTIES.—Chap-

1 ter III of the National Flood Insurance Act of 1968 is
2 amended by striking section 1361A (42 U.S.C. 4102a).

3 (d) NATIONAL FLOOD INSURANCE FUND.—Section
4 1310(a) of the National Flood Insurance Act of 1968 (42
5 U.S.C. 4017(a)) is amended—

6 (1) in paragraph (6), by inserting “and” after
7 the semicolon;

8 (2) in paragraph (7), by striking the semicolon
9 and inserting a period; and

10 (3) by striking paragraphs (8) and (9).

11 (e) NATIONAL FLOOD MITIGATION FUND.—Section
12 1367 of the National Flood Insurance Act of 1968 (42
13 U.S.C. 4104d) is amended—

14 (1) in subsection (b)—

15 (A) by striking paragraph (1) and insert-
16 ing the following new paragraph:

17 “(1) in each fiscal year, from the National
18 Flood Insurance Fund in amounts not exceeding
19 \$90,000,000 to remain available until expended, of
20 which—

21 “(A) not more than \$40,000,000 shall be
22 available pursuant to subsection (a) of this sec-
23 tion only for assistance described in section
24 1366(a)(1);

1 “(B) not more than \$40,000,000 shall be
2 available pursuant to subsection (a) of this sec-
3 tion only for assistance described in section
4 1366(a)(2); and

5 “(C) not more than \$10,000,000 shall be
6 available pursuant to subsection (a) of this sec-
7 tion only for assistance described in section
8 1366(a)(3).”.

9 (B) in paragraph (3), by striking “section
10 1366(i)” and inserting “section 1366(e”;

11 (2) in subsection (c), by striking “sections 1366
12 and 1323” and inserting “section 1366”;

13 (3) by redesignating subsections (d) and (e) as
14 subsections (f) and (g), respectively; and

15 (4) by inserting after subsection (c) the fol-
16 lowing new subsections:

17 “(d) PROHIBITION ON OFFSETTING COLLECTIONS.—
18 Notwithstanding any other provision of this title, amounts
19 made available pursuant to this section shall not be sub-
20 ject to offsetting collections through premium rates for
21 flood insurance coverage under this title.

22 “(e) CONTINUED AVAILABILITY AND REALLOCA-
23 TION.—Any amounts made available pursuant to subpara-
24 graph (A), (B), or (C) of subsection (b)(1) that are not
25 used in any fiscal year shall continue to be available for

1 the purposes specified in such subparagraph of subsection
2 (b)(1) pursuant to which such amounts were made avail-
3 able, unless the Administrator determines that realloca-
4 tion of such unused amounts to meet demonstrated need
5 for other mitigation activities under section 1366 is in the
6 best interest of the National Flood Insurance Fund.”.

7 (f) INCREASED COST OF COMPLIANCE COVERAGE.—
8 Section 1304(b)(4) of the National Flood Insurance Act
9 of 1968 (42 U.S.C. 4011(b)(4)) is amended—

10 (1) by striking subparagraph (B); and

11 (2) by redesignating subparagraphs (C), (D),
12 and (E) as subparagraphs (B), (C), and (D), respec-
13 tively.

14 **SEC. 12. NOTIFICATION TO HOMEOWNERS REGARDING**
15 **MANDATORY PURCHASE REQUIREMENT AP-**
16 **PLICABILITY AND RATE PHASE-INS.**

17 Section 201 of the Flood Disaster Protection Act of
18 1973 (42 U.S.C. 4105) is amended by adding at the end
19 the following new subsection:

20 “(f) ANNUAL NOTIFICATION.—The Administrator, in
21 consultation with affected communities, shall establish and
22 carry out a plan to notify residents of areas having special
23 flood hazards, on an annual basis—

24 “(1) that they reside in such an area;

1 “(2) of the geographical boundaries of such
2 area;

3 “(3) of whether section 1308(g) of the National
4 Flood Insurance Act of 1968 applies to properties
5 within such area;

6 “(4) of the provisions of section 102 requiring
7 purchase of flood insurance coverage for properties
8 located in such an area, including the date on which
9 such provisions apply with respect to such area, tak-
10 ing into consideration section 102(i); and

11 “(5) of a general estimate of what similar
12 homeowners in similar areas typically pay for flood
13 insurance coverage, taking into consideration section
14 1308(g) of the National Flood Insurance Act of
15 1968.”.

16 **SEC. 13. NOTIFICATION TO MEMBERS OF CONGRESS OF**
17 **FLOOD MAP REVISIONS AND UPDATES.**

18 Section 1360 of the National Flood Insurance Act of
19 1968 (42 U.S.C. 4101), as amended by the preceding pro-
20 visions of this Act, is further amended by adding at the
21 end the following new subsection:

22 “(1) NOTIFICATION TO MEMBERS OF CONGRESS OF
23 MAP MODERNIZATION.—Upon any revision or update of
24 any floodplain area or flood-risk zone pursuant to sub-
25 section (f), any decision pursuant to subsection (f)(1) that

1 such revision or update is necessary, any issuance of pre-
2 liminary maps for such revision or updating, or any other
3 significant action relating to any such revision or update,
4 the Administrator shall notify the Senators for each State
5 affected, and each Member of the House of Representa-
6 tives for each congressional district affected, by such revi-
7 sion or update in writing of the action taken.”.

8 **SEC. 14. NOTIFICATION AND APPEAL OF MAP CHANGES;**
9 **NOTIFICATION TO COMMUNITIES OF ESTAB-**
10 **LISHMENT OF FLOOD ELEVATIONS.**

11 Section 1363 of the National Flood Insurance Act of
12 1968 (42 U.S.C. 4104) is amended by striking the section
13 designation and all that follows through the end of sub-
14 section (a) and inserting the following:

15 “SEC. 1363. (a) In establishing projected flood ele-
16 vations for land use purposes with respect to any commu-
17 nity pursuant to section 1361, the Director shall first pro-
18 pose such determinations—

19 “(1) by providing the chief executive officer of
20 each community affected by the proposed elevations,
21 by certified mail, with a return receipt requested,
22 notice of the elevations, including a copy of the maps
23 for the elevations for such community and a state-
24 ment explaining the process under this section to ap-
25 peal for changes in such elevations;

1 “(2) by causing notice of such elevations to be
2 published in the Federal Register, which notice shall
3 include information sufficient to identify the ele-
4 vation determinations and the communities affected,
5 information explaining how to obtain copies of the
6 elevations, and a statement explaining the process
7 under this section to appeal for changes in the ele-
8 vations;

9 “(3) by publishing in a prominent local news-
10 paper the elevations, a description of the appeals
11 process for flood determinations, and the mailing ad-
12 dress and telephone number of a person the owner
13 may contact for more information or to initiate an
14 appeal; and

15 “(4) by providing written notification, by first
16 class mail, to each owner of real property affected by
17 the proposed elevations of—

18 “(A) the status of such property, both
19 prior to and after the effective date of the pro-
20 posed determination, with respect to flood zone
21 and flood insurance requirements under this
22 Act and the Flood Disaster Protection Act of
23 1973;

24 “(B) the process under this section to ap-
25 peal a flood elevation determination; and

1 “(C) the mailing address and phone num-
2 ber of a person the owner may contact for more
3 information or to initiate an appeal.”.

4 **SEC. 15. NOTIFICATION TO TENANTS OF AVAILABILITY OF**
5 **CONTENTS INSURANCE.**

6 The National Flood Insurance Act of 1968 is amend-
7 ed by inserting after section 1308 (42 U.S.C. 4015) the
8 following new section:

9 **“SEC. 1308A. NOTIFICATION TO TENANTS OF AVAILABILITY**
10 **OF CONTENTS INSURANCE.**

11 “(a) IN GENERAL.—The Administrator shall, upon
12 entering into a contract for flood insurance coverage under
13 this title for any property—

14 “(1) provide to the insured sufficient copies of
15 the notice developed pursuant to subsection (b); and

16 “(2) require the insured to provide a copy of
17 the notice, or otherwise provide notification of the
18 information under subsection (b) in the manner that
19 the manager or landlord deems most appropriate, to
20 each such tenant and to each new tenant upon com-
21 mencement of such a tenancy.

22 “(b) NOTICE.—Notice to a tenant of a property in
23 accordance with this subsection is written notice that
24 clearly informs a tenant—

1 “(1) whether the property is located in an area
2 having special flood hazards;

3 “(2) that flood insurance coverage is available
4 under the national flood insurance program under
5 this title for contents of the unit or structure leased
6 by the tenant;

7 “(3) of the maximum amount of such coverage
8 for contents available under this title at that time;
9 and

10 “(4) of where to obtain information regarding
11 how to obtain such coverage, including a telephone
12 number, mailing address, and Internet site of the
13 Administrator where such information is available.”.

14 **SEC. 16. NOTIFICATION TO POLICY HOLDERS REGARDING**
15 **DIRECT MANAGEMENT OF POLICY BY FEMA.**

16 Part C of chapter II of the National Flood Insurance
17 Act of 1968 (42 U.S.C. 4081 et seq.) is amended by add-
18 ing at the end the following new section:

19 **“SEC. 1349. NOTIFICATION TO POLICY HOLDERS REGARD-**
20 **ING DIRECT MANAGEMENT OF POLICY BY**
21 **FEMA.**

22 “(a) NOTIFICATION.—Not later than 60 days before
23 the date on which a transferred flood insurance policy ex-
24 pires, and annually thereafter until such time as the Fed-
25 eral Emergency Management Agency is no longer directly

1 administering such policy, the Administrator shall notify
2 the holder of such policy that—

3 “(1) the Federal Emergency Management
4 Agency is directly administering the policy;

5 “(2) such holder may purchase flood insurance
6 that is directly administered by an insurance com-
7 pany; and

8 “(3) purchasing flood insurance offered under
9 the National Flood Insurance Program that is di-
10 rectly administered by an insurance company will
11 not alter the coverage provided or the premiums
12 charged to such holder that otherwise would be pro-
13 vided or charged if the policy was directly adminis-
14 tered by the Federal Emergency Management Agen-
15 cy.

16 “(b) DEFINITION.—In this section, the term ‘trans-
17 ferred flood insurance policy’ means a flood insurance pol-
18 icy that—

19 “(1) was directly administered by an insurance
20 company at the time the policy was originally pur-
21 chased by the policy holder; and

22 “(2) at the time of renewal of the policy, direct
23 administration of the policy was or will be trans-
24 ferred to the Federal Emergency Management Agen-
25 cy.”.

1 **SEC. 17. NOTICE OF AVAILABILITY OF FLOOD INSURANCE**
2 **AND ESCROW IN RESPA GOOD FAITH ESTI-**
3 **MATE.**

4 Subsection (c) of section 5 of the Real Estate Settle-
5 ment Procedures Act of 1974 (12 U.S.C. 2604(c)) is
6 amended by adding at the end the following new sentence:
7 “Each such good faith estimate shall include the following
8 conspicuous statements and information: (1) that flood in-
9 surance coverage for residential real estate is generally
10 available under the national flood insurance program
11 whether or not the real estate is located in an area having
12 special flood hazards and that, to obtain such coverage,
13 a home owner or purchaser should contact the national
14 flood insurance program; (2) a telephone number and a
15 location on the Internet by which a home owner or pur-
16 chaser can contact the national flood insurance program;
17 and (3) that the escrowing of flood insurance payments
18 is required for many loans under section 102(d) of the
19 Flood Disaster Protection Act of 1973, and may be a con-
20 venient and available option with respect to other loans.”.

21 **SEC. 18. REIMBURSEMENT FOR COSTS INCURRED BY**
22 **HOMEOWNERS AND COMMUNITIES OBTAIN-**
23 **ING LETTERS OF MAP AMENDMENT OR REVI-**
24 **SION.**

25 (a) IN GENERAL.—Section 1360 of the National
26 Flood Insurance Act of 1968 (42 U.S.C. 4101), as amend-

1 ed by the preceding provisions of this Act, is further
2 amended by adding at the end the following new sub-
3 section:

4 “(m) REIMBURSEMENT.—

5 “(1) REQUIREMENT UPON BONA FIDE
6 ERROR.—If an owner of any property located in an
7 area described in section 102(i)(3) of the Flood Dis-
8 aster Protection Act of 1973, or a community in
9 which such a property is located, obtains a letter of
10 map amendment, or a letter of map revision, due to
11 a bona fide error on the part of the Administrator
12 of the Federal Emergency Management Agency, the
13 Administrator shall reimburse such owner, or such
14 entity or jurisdiction acting on such owner’s behalf,
15 or such community, as applicable, for any reasonable
16 costs incurred in obtaining such letter.

17 “(2) REASONABLE COSTS.—The Administrator
18 shall, by regulation or notice, determine a reasonable
19 amount of costs to be reimbursed under paragraph
20 (1), except that such costs shall not include legal or
21 attorneys fees. In determining the reasonableness of
22 costs, the Administrator shall only consider the ac-
23 tual costs to the owner or community, as applicable,
24 of utilizing the services of an engineer, surveyor, or
25 similar services.”.

1 (b) REGULATIONS.—Not later than 90 days after the
2 date of the enactment of this Act, the Administrator of
3 the Federal Emergency Management Agency shall issue
4 the regulations or notice required under section
5 1360(m)(2) of the National Flood Insurance Act of 1968,
6 as added by the amendment made by subsection (a) of
7 this section.

8 **SEC. 19. ENHANCED COMMUNICATION WITH CERTAIN COM-**
9 **MUNITIES DURING MAP UPDATING PROCESS.**

10 Section 1360 of the National Flood Insurance Act of
11 1968 (42 U.S.C. 4101), as amended by the preceding pro-
12 visions of this Act, is further amended by adding at the
13 end the following new subsection:

14 “(n) ENHANCED COMMUNICATION WITH CERTAIN
15 COMMUNITIES DURING MAP UPDATING PROCESS.—In
16 updating flood insurance maps under this section, the Ad-
17 ministrator shall communicate with communities located
18 in areas where flood insurance rate maps have not been
19 updated in 20 years or more and the appropriate State
20 emergency agencies to resolve outstanding issues, provide
21 technical assistance, and disseminate all necessary infor-
22 mation to reduce the prevalence of outdated maps in flood-
23 prone areas.”.

1 **SEC. 20. NOTIFICATION TO RESIDENTS NEWLY INCLUDED**
2 **IN FLOOD HAZARD AREAS.**

3 Section 1360 of the National Flood Insurance Act of
4 1968 (42 U.S.C. 4101), as amended by the preceding pro-
5 visions of this Act, is further amended by adding at the
6 end the following new subsection:

7 “(o) NOTIFICATION TO RESIDENTS NEWLY IN-
8 CLUDED IN FLOOD HAZARD AREA.—In revising or updat-
9 ing any areas having special flood hazards, the Adminis-
10 trator shall provide to each owner of a property to be
11 newly included in such a special flood hazard area, at the
12 time of issuance of such proposed revised or updated flood
13 insurance maps, a copy of the proposed revised or updated
14 flood insurance maps together with information regarding
15 the appeals process under section 1363 of the National
16 Flood Insurance Act of 1968 (42 U.S.C. 4104).”.

17 **SEC. 21. TREATMENT OF SWIMMING POOL ENCLOSURES**
18 **OUTSIDE OF HURRICANE SEASON.**

19 Chapter I of the National Flood Insurance Act of
20 1968 (42 U.S.C. 4001 et seq.) is amended by adding at
21 the end the following new section:

22 **“SEC. 1325. TREATMENT OF SWIMMING POOL ENCLOSURES**
23 **OUTSIDE OF HURRICANE SEASON.**

24 “In the case of any property that is otherwise in com-
25 pliance with the coverage and building requirements of the
26 national flood insurance program, the presence of an en-

1 closed swimming pool located at ground level or in the
2 space below the lowest floor of a building after November
3 30 and before June 1 of any year shall have no effect on
4 the terms of coverage or the ability to receive coverage
5 for such building under the national flood insurance pro-
6 gram established pursuant to this title, if the pool is en-
7 closed with non-supporting breakaway walls.”.

8 **SEC. 22. INFORMATION REGARDING MULTIPLE PERILS**
9 **CLAIMS.**

10 Section 1345 of the National Flood Insurance Act of
11 1968 (42 U.S.C. 4081) is amended by adding at the end
12 the following new subsection:

13 “(d) INFORMATION REGARDING MULTIPLE PERILS
14 CLAIMS.—

15 “(1) IN GENERAL.—Subject to paragraph (2),
16 if an insured having flood insurance coverage under
17 a policy issued under the program under this title by
18 the Administrator or a company, insurer, or entity
19 offering flood insurance coverage under such pro-
20 gram (in this subsection referred to as a ‘partici-
21 pating company’) has wind or other homeowners
22 coverage from any company, insurer, or other entity
23 covering property covered by such flood insurance, in
24 the case of damage to such property that may have
25 been caused by flood or by wind, the Administrator

1 and the participating company, upon the request of
2 the insured, shall provide to the insured, within 30
3 days of such request—

4 “(A) a copy of the estimate of structure
5 damage;

6 “(B) proofs of loss;

7 “(C) any expert or engineering reports or
8 documents commissioned by or relied upon by
9 the Administrator or participating company in
10 determining whether the damage was caused by
11 flood or any other peril; and

12 “(D) the Administrator’s or the partici-
13 pating company’s final determination on the
14 claim.

15 “(2) TIMING.—Paragraph (1) shall apply only
16 with respect to a request described in such para-
17 graph made by an insured after the Administrator
18 or the participating company, or both, as applicable,
19 have issued a final decision on the flood claim in-
20 volved and resolution of all appeals with respect to
21 such claim.”.

1 **SEC. 23. FEMA AUTHORITY TO REJECT TRANSFER OF POLI-**
2 **CIES.**

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

6 “(e) FEMA AUTHORITY TO REJECT TRANSFER OF
7 POLICIES.—Notwithstanding any other provision of this
8 Act, the Administrator may, at the discretion of the Ad-
9 ministrator, refuse to accept the transfer of the adminis-
10 tration of policies for coverage under the flood insurance
11 program under this title that are written and administered
12 by any insurance company or other insurer, or any insur-
13 ance agent or broker.”.

14 **SEC. 24. APPEALS.**

15 (a) TELEVISION AND RADIO ANNOUNCEMENT.—Sec-
16 tion 1363 of the National Flood Insurance Act of 1968
17 (42 U.S.C. 4104) is amended—

18 (1) in subsection (a), by inserting after “deter-
19 minations” by inserting the following: “by notifying
20 a local television and radio station,”; and

21 (2) in the first sentence of subsection (b), by in-
22 serting before the period at the end the following:
23 “and shall notify a local television and radio station
24 at least once during the same 10-day period”.

1 (b) EXTENSION OF APPEALS PERIOD.—Subsection
2 (b) of section 1363 of the National Flood Insurance Act
3 of 1968 (42 U.S.C. 4104(b)) is amended—

4 (1) by striking “(b) The Director” and insert-
5 ing “(b)(1) The Administrator”; and

6 (2) by adding at the end the following new
7 paragraph:

8 “(2) The Administrator shall grant an extension of
9 the 90-day period for appeals referred to in paragraph (1)
10 for 90 additional days if an affected community certifies
11 to the Administrator, after the expiration of at least 60
12 days of such period, that the community—

13 “(A) believes there are property owners or les-
14 sees in the community who are unaware of such pe-
15 riod for appeals; and

16 “(B) will utilize the extension under this para-
17 graph to notify property owners or lessees who are
18 affected by the proposed flood elevation determina-
19 tions of the period for appeals and the opportunity
20 to appeal the determinations proposed by the Ad-
21 ministrator.”.

22 (c) APPLICABILITY.—The amendments made by sub-
23 sections (a) and (b) shall apply with respect to any flood
24 elevation determination for any area in a community that
25 has not, as of the date of the enactment of this Act, been

1 issued a Letter of Final Determination for such deter-
2 mination under the flood insurance map modernization
3 process.

4 **SEC. 25. RESERVE FUND.**

5 (a) ESTABLISHMENT.—Chapter I of the National
6 Flood Insurance Act of 1968 is amended by inserting after
7 section 1310 (42 U.S.C. 4017) the following new section:

8 **“SEC. 1310A. RESERVE FUND.**

9 “(a) ESTABLISHMENT OF RESERVE FUND.—In car-
10 rying out the flood insurance program authorized by this
11 title, the Administrator shall establish in the Treasury of
12 the United States a National Flood Insurance Reserve
13 Fund (in this section referred to as the ‘Reserve Fund’)
14 which shall—

15 “(1) be an account separate from any other ac-
16 counts or funds available to the Administrator; and

17 “(2) be available for meeting the expected fu-
18 ture obligations of the flood insurance program.

19 “(b) RESERVE RATIO.—Subject to the phase-in re-
20 quirements under subsection (d), the Reserve Fund shall
21 maintain a balance equal to—

22 “(1) 1 percent of the sum of the total potential
23 loss exposure of all outstanding flood insurance poli-
24 cies in force in the prior fiscal year; or

1 “(2) such higher percentage as the Adminis-
2 trator determines to be appropriate, taking into con-
3 sideration any circumstance that may raise a signifi-
4 cant risk of substantial future losses to the Reserve
5 Fund.

6 “(c) MAINTENANCE OF RESERVE RATIO.—

7 “(1) IN GENERAL.—The Administrator shall
8 have the authority to establish, increase, or decrease
9 the amount of aggregate annual insurance premiums
10 to be collected for any fiscal year necessary—

11 “(A) to maintain the reserve ratio required
12 under subsection (b); and

13 “(B) to achieve such reserve ratio, if the
14 actual balance of such reserve is below the
15 amount required under subsection (b).

16 “(2) CONSIDERATIONS.—In exercising the au-
17 thority under paragraph (1), the Administrator shall
18 consider—

19 “(A) the expected operating expenses of
20 the Reserve Fund;

21 “(B) the insurance loss expenditures under
22 the flood insurance program;

23 “(C) any investment income generated
24 under the flood insurance program; and

1 “(D) any other factor that the Adminis-
2 trator determines appropriate.

3 “(3) LIMITATIONS.—In exercising the authority
4 under paragraph (1), the Administrator shall be
5 subject to all other provisions of this Act, including
6 any provisions relating to chargeable premium rates
7 and annual increases of such rates.

8 “(d) PHASE-IN REQUIREMENTS.—The phase-in re-
9 quirements under this subsection are as follows:

10 “(1) IN GENERAL.—Beginning in fiscal year
11 2012 and not ending until the fiscal year in which
12 the ratio required under subsection (b) is achieved,
13 in each such fiscal year the Administrator shall
14 place in the Reserve Fund an amount equal to not
15 less than 7.5 percent of the reserve ratio required
16 under subsection (b).

17 “(2) AMOUNT SATISFIED.—As soon as the ratio
18 required under subsection (b) is achieved, and except
19 as provided in paragraph (3), the Administrator
20 shall not be required to set aside any amounts for
21 the Reserve Fund.

22 “(3) EXCEPTION.—If at any time after the
23 ratio required under subsection (b) is achieved, the
24 Reserve Fund falls below the required ratio under
25 subsection (b), the Administrator shall place in the

1 Reserve Fund for that fiscal year an amount equal
2 to not less than 7.5 percent of the reserve ratio re-
3 quired under subsection (b).

4 “(e) LIMITATION ON RESERVE RATIO.—In any given
5 fiscal year, if the Administrator determines that the re-
6 serve ratio required under subsection (b) cannot be
7 achieved, the Administrator shall submit a report to the
8 Congress that—

9 “(1) describes and details the specific concerns
10 of the Administrator regarding such consequences;

11 “(2) demonstrates how such consequences
12 would harm the long-term financial soundness of the
13 flood insurance program; and

14 “(3) indicates the maximum attainable reserve
15 ratio for that particular fiscal year.

16 “(f) AVAILABILITY OF AMOUNTS.—The reserve ratio
17 requirements under subsection (b) and the phase-in re-
18 quirements under subsection (d) shall be subject to the
19 availability of amounts in the National Flood Insurance
20 Fund for transfer under section 1310(a)(10), as provided
21 in section 1310(f).”.

22 (b) FUNDING.—Subsection (a) of section 1310 of the
23 National Flood Insurance Act of 1968 (42 U.S.C.
24 4017(a)) is amended—

1 (1) in paragraph (8), by striking “and” at the
2 end;

3 (2) in paragraph (9), by striking the period at
4 the end and inserting “; and”; and

5 (3) by adding at the end the following new
6 paragraph:

7 “(10) for transfers to the National Flood Insur-
8 ance Reserve Fund under section 1310A, in accord-
9 ance with such section.”.

10 **SEC. 26. CDBG ELIGIBILITY FOR FLOOD INSURANCE OUT-**
11 **REACH ACTIVITIES AND COMMUNITY BUILD-**
12 **ING CODE ADMINISTRATION GRANTS.**

13 Section 105(a) of the Housing and Community De-
14 velopment Act of 1974 (42 U.S.C. 5305(a)) is amended—

15 (1) in paragraph (24), by striking “and” at the
16 end;

17 (2) in paragraph (25), by striking the period at
18 the end and inserting a semicolon; and

19 (3) by adding at the end the following new
20 paragraphs:

21 “(26) supplementing existing State or local
22 funding for administration of building code enforce-
23 ment by local building code enforcement depart-
24 ments, including for increasing staffing, providing
25 staff training, increasing staff competence and pro-

1 fessional qualifications, and supporting individual
2 certification or departmental accreditation, and for
3 capital expenditures specifically dedicated to the ad-
4 ministration of the building code enforcement de-
5 partment, except that, to be eligible to use amounts
6 as provided in this paragraph—

7 “(A) a building code enforcement depart-
8 ment shall provide matching, non-Federal funds
9 to be used in conjunction with amounts used
10 under this paragraph in an amount—

11 “(i) in the case of a building code en-
12 forcement department serving an area with
13 a population of more than 50,000, equal to
14 not less than 50 percent of the total
15 amount of any funds made available under
16 this title that are used under this para-
17 graph;

18 “(ii) in the case of a building code en-
19 forcement department serving an area with
20 a population of between 20,001 and
21 50,000, equal to not less than 25 percent
22 of the total amount of any funds made
23 available under this title that are used
24 under this paragraph; and

1 “(iii) in the case of a building code
2 enforcement department serving an area
3 with a population of less than 20,000,
4 equal to not less than 12.5 percent of the
5 total amount of any funds made available
6 under this title that are used under this
7 paragraph;

8 except that the Secretary may waive the match-
9 ing fund requirements under this subparagraph,
10 in whole or in part, based upon the level of eco-
11 nomic distress of the jurisdiction in which is lo-
12 cated the local building code enforcement de-
13 partment that is using amounts for purposes
14 under this paragraph, and shall waive such
15 matching fund requirements in whole for any
16 recipient jurisdiction that has dedicated all
17 building code permitting fees to the conduct of
18 local building code enforcement; and

19 “(B) any building code enforcement de-
20 partment using funds made available under this
21 title for purposes under this paragraph shall
22 empanel a code administration and enforcement
23 team consisting of at least 1 full-time building
24 code enforcement officer, a city planner, and a
25 health planner or similar officer; and

1 “(27) provision of assistance to local govern-
2 mental agencies responsible for floodplain manage-
3 ment activities (including such agencies of Indians
4 tribes, as such term is defined in section 4 of the
5 Native American Housing Assistance and Self-De-
6 termination Act of 1996 (25 U.S.C. 4103)) in com-
7 munities that participate in the national flood insur-
8 ance program under the National Flood Insurance
9 Act of 1968 (42 U.S.C. 4001 et seq.), only for car-
10 rying out outreach activities to encourage and facili-
11 tate the purchase of flood insurance protection
12 under such Act by owners and renters of properties
13 in such communities and to promote educational ac-
14 tivities that increase awareness of flood risk reduc-
15 tion; except that—

16 “(A) amounts used as provided under this
17 paragraph shall be used only for activities de-
18 signed to—

19 “(i) identify owners and renters of
20 properties in communities that participate
21 in the national flood insurance program,
22 including owners of residential and com-
23 mercial properties;

24 “(ii) notify such owners and renters
25 when their properties become included in,

1 or when they are excluded from, an area
2 having special flood hazards and the effect
3 of such inclusion or exclusion on the appli-
4 cability of the mandatory flood insurance
5 purchase requirement under section 102 of
6 the Flood Disaster Protection Act of 1973
7 (42 U.S.C. 4012a) to such properties;

8 “(iii) educate such owners and renters
9 regarding the flood risk and reduction of
10 this risk in their community, including the
11 continued flood risks to areas that are no
12 longer subject to the flood insurance man-
13 datory purchase requirement;

14 “(iv) educate such owners and renters
15 regarding the benefits and costs of main-
16 taining or acquiring flood insurance, in-
17 cluding, where applicable, lower-cost pre-
18 ferred risk policies under this title for such
19 properties and the contents of such prop-
20 erties;

21 “(v) encourage such owners and rent-
22 ers to maintain or acquire such coverage;

23 “(vi) notify such owners of where to
24 obtain information regarding how to obtain
25 such coverage, including a telephone num-

1 ber, mailing address, and Internet site of
2 the Administrator of the Federal Emer-
3 gency Management Agency (in this para-
4 graph referred to as the ‘Administrator’)
5 where such information is available; and

6 “(vii) educate local real estate agents
7 in communities participating in the na-
8 tional flood insurance program regarding
9 the program and the availability of cov-
10 erage under the program for owners and
11 renters of properties in such communities,
12 and establish coordination and liaisons
13 with such real estate agents to facilitate
14 purchase of coverage under the National
15 Flood Insurance Act of 1968 and increase
16 awareness of flood risk reduction;

17 “(B) in any fiscal year, a local govern-
18 mental agency may not use an amount under
19 this paragraph that exceeds 3 times the amount
20 that the agency certifies, as the Secretary, in
21 consultation with the Administrator, shall re-
22 quire, that the agency will contribute from non-
23 Federal funds to be used with such amounts
24 used under this paragraph only for carrying out
25 activities described in subparagraph (A); and

1 for purposes of this subparagraph, the term
2 ‘non-Federal funds’ includes State or local gov-
3 ernment agency amounts, in-kind contributions,
4 any salary paid to staff to carry out the eligible
5 activities of the local governmental agency in-
6 volved, the value of the time and services con-
7 tributed by volunteers to carry out such services
8 (at a rate determined by the Secretary), and
9 the value of any donated material or building
10 and the value of any lease on a building;

11 “(C) a local governmental agency that uses
12 amounts as provided under this paragraph may
13 coordinate or contract with other agencies and
14 entities having particular capacities, specialties,
15 or experience with respect to certain popu-
16 lations or constituencies, including elderly or
17 disabled families or persons, to carry out activi-
18 ties described in subparagraph (A) with respect
19 to such populations or constituencies; and

20 “(D) each local government agency that
21 uses amounts as provided under this paragraph
22 shall submit a report to the Secretary and the
23 Administrator, not later than 12 months after
24 such amounts are first received, which shall in-
25 clude such information as the Secretary and the

1 Administrator jointly consider appropriate to
2 describe the activities conducted using such
3 amounts and the effect of such activities on the
4 retention or acquisition of flood insurance cov-
5 erage.”.

6 **SEC. 27. TECHNICAL CORRECTIONS.**

7 (a) FLOOD DISASTER PROTECTION ACT OF 1973.—
8 The Flood Disaster Protection Act of 1973 (42 U.S.C.
9 4002 et seq.) is amended—

10 (1) by striking “Director” each place such term
11 appears, except in section 102(f)(3) (42 U.S.C.
12 4012a(f)(3)), and inserting “Administrator”; and

13 (2) in section 201(b) (42 U.S.C. 4105(b)), by
14 striking “Director’s” and inserting “Administra-
15 tor’s”.

16 (b) NATIONAL FLOOD INSURANCE ACT OF 1968.—
17 The National Flood Insurance Act of 1968 (42 U.S.C.
18 4001 et seq.) is amended—

19 (1) by striking “Director” each place such term
20 appears and inserting “Administrator”; and

21 (2) in section 1363 (42 U.S.C. 4104), by strik-
22 ing “Director’s” each place such term appears and
23 inserting “Administrator’s”.

24 (c) FEDERAL FLOOD INSURANCE ACT OF 1956.—
25 Section 15(e) of the Federal Flood Insurance Act of 1956

1 (42 U.S.C. 2414(e)) is amended by striking “Director”
2 each place such term appears and inserting “Adminis-
3 trator”.

4 **SEC. 28. REQUIRING COMPETITION FOR NATIONAL FLOOD**
5 **INSURANCE PROGRAM POLICIES.**

6 (a) REPORT.—Not later than the expiration of the
7 90-day period beginning upon the date of the enactment
8 of this Act, the Administrator of the Federal Emergency
9 Management Agency, in consultation with insurance com-
10 panies, insurance agents and other organizations with
11 which the Administrator has contracted, shall submit to
12 the Congress a report describing procedures and policies
13 that the Administrator shall implement to limit the per-
14 centage of policies for flood insurance coverage under the
15 national flood insurance program that are directly man-
16 aged by the Agency to not more than 10 percent of the
17 aggregate number of flood insurance policies in force
18 under such program.

19 (b) IMPLEMENTATION.—Upon submission of the re-
20 port under subsection (a) to the Congress, the Adminis-
21 trator shall implement the policies and procedures de-
22 scribed in the report. The Administrator shall, not later
23 than the expiration of the 12-month period beginning
24 upon submission of such report, reduce the number of
25 policies for flood insurance coverage that are directly man-

1 aged by the Agency, or by the Agency's direct servicing
2 contractor that is not an insurer, to not more than 10
3 percent of the aggregate number of flood insurance poli-
4 cies in force as of the expiration of such 12-month period.

5 (c) CONTINUATION OF CURRENT AGENT RELATION-
6 SHIPS.—In carrying out subsection (b), the Administrator
7 shall ensure that—

8 (1) agents selling or servicing policies described
9 in such subsection are not prevented from con-
10 tinuing to sell or service such policies; and

11 (2) insurance companies are not prevented from
12 waiving any limitation such companies could other-
13 wise enforce to limit any such activity.

14 **SEC. 29. STUDIES OF VOLUNTARY COMMUNITY-BASED**
15 **FLOOD INSURANCE OPTIONS.**

16 (a) STUDIES.—The Administrator of the Federal
17 Emergency Management Agency and the Comptroller
18 General of the United States shall each conduct a separate
19 study to assess options, methods, and strategies for offer-
20 ing voluntary community-based flood insurance policy op-
21 tions and incorporating such options into the national
22 flood insurance program. Such studies shall take into con-
23 sideration and analyze how the policy options would affect
24 communities having varying economic bases, geographic

1 locations, flood hazard characteristics or classifications,
2 and flood management approaches.

3 (b) REPORTS.—Not later than the expiration of the
4 18-month period beginning on the date of the enactment
5 of this Act, the Administrator of the Federal Emergency
6 Management Agency and the Comptroller General of the
7 United States shall each submit a report to the Committee
8 on Financial Services of the House of Representatives and
9 the Committee on Banking, Housing, and Urban Affairs
10 of the Senate on the results and conclusions of the study
11 such agency conducted under subsection (a), and each
12 such report shall include recommendations for the best
13 manner to incorporate voluntary community-based flood
14 insurance options into the national flood insurance pro-
15 gram and for a strategy to implement such options that
16 would encourage communities to undertake flood mitiga-
17 tion activities.

18 **SEC. 30. REPORT ON INCLUSION OF BUILDING CODES IN**
19 **FLOODPLAIN MANAGEMENT CRITERIA.**

20 Not later than the expiration of the 6-month period
21 beginning on the date of the enactment of this Act, the
22 Administrator of the Federal Emergency Management
23 Agency shall conduct a study and submit a report to the
24 Committee on Financial Services of the House of Rep-
25 resentatives and the Committee on Banking, Housing, and

1 Urban Affairs of the Senate regarding the impact, effec-
2 tiveness, and feasibility of amending section 1361 of the
3 National Flood Insurance Act of 1968 (42 U.S.C. 4102)
4 to include widely used and nationally recognized building
5 codes as part of the floodplain management criteria devel-
6 oped under such section, and shall determine—

7 (1) the regulatory, financial, and economic im-
8 pacts of such a building code requirement on home-
9 owners, States and local communities, local land use
10 policies, and the Federal Emergency Management
11 Agency;

12 (2) the resources required of State and local
13 communities to administer and enforce such a build-
14 ing code requirement;

15 (3) the effectiveness of such a building code re-
16 quirement in reducing flood-related damage to build-
17 ings and contents;

18 (4) the impact of such a building code require-
19 ment on the actuarial soundness of the National
20 Flood Insurance Program;

21 (5) the effectiveness of nationally recognized
22 codes in allowing innovative materials and systems
23 for flood-resistant construction;

24 (6) the feasibility and effectiveness of providing
25 an incentive in lower premium rates for flood insur-

1 ance coverage under such Act for structures meeting
2 whichever of such widely used and nationally recog-
3 nized building code or any applicable local building
4 code provides greater protection from flood damage;

5 (7) the impact of such a building code require-
6 ment on rural communities with different building
7 code challenges than more urban environments; and

8 (8) the impact of such a building code require-
9 ment on Indian reservations.

10 **SEC. 31. STUDY ON GRADUATED RISK.**

11 (a) STUDY.—The National Academy of Sciences shall
12 conduct a study exploring methods for understanding
13 graduated risk behind levees and the associated land de-
14 velopment, insurance, and risk communication dimensions,
15 which shall—

16 (1) research, review, and recommend current
17 best practices for estimating direct annualized flood
18 losses behind levees for residential and commercial
19 structures;

20 (2) rank such practices based on their best
21 value, balancing cost, scientific integrity, and the in-
22 herent uncertainties associated with all aspects of
23 the loss estimate, including geotechnical engineering,
24 flood frequency estimates, economic value, and direct
25 damages;

1 (3) research, review, and identify current best
2 floodplain management and land use practices be-
3 hind levees that effectively balance social, economic,
4 and environmental considerations as part of an over-
5 all flood risk management strategy;

6 (4) identify examples where such practices have
7 proven effective and recommend methods and proc-
8 esses by which they could be applied more broadly
9 across the United States, given the variety of dif-
10 ferent flood risks, State and local legal frameworks,
11 and evolving judicial opinions;

12 (5) research, review, and identify a variety of
13 flood insurance pricing options for flood hazards be-
14 hind levees which are actuarially sound and based on
15 the flood risk data developed using the top three
16 best value approaches identified pursuant to para-
17 graph (1);

18 (6) evaluate and recommend methods to reduce
19 insurance costs through creative arrangements be-
20 tween insureds and insurers while keeping a clear
21 accounting of how much financial risk is being borne
22 by various parties such that the entire risk is ac-
23 counted for, including establishment of explicit limits
24 on disaster aid or other assistance in the event of a
25 flood; and

1 (7) taking into consideration the recommenda-
 2 tions pursuant to paragraphs (1) through (3), rec-
 3 ommend approaches to communicating the associ-
 4 ated risks to community officials, homeowners, and
 5 other residents.

6 (b) REPORT.—Not later than the expiration of the
 7 12-month period beginning on the date of the enactment
 8 of this Act, the National Academy of Sciences shall submit
 9 a report to the Committees on Financial Services and
 10 Science, Space, and Technology of the House of Rep-
 11 resentatives and the Committees on Banking, Housing,
 12 and Urban Affairs and Commerce, Science and Transpor-
 13 tation of the Senate on the study under subsection (a) in-
 14 cluding the information and recommendations required
 15 under such subsection.

16 **SEC. 32. REPORT ON FLOOD-IN-PROGRESS DETERMINA-**
 17 **TION.**

18 The Administrator of the Federal Emergency Man-
 19 agement Agency shall review the processes and procedures
 20 for determining that a flood event has commenced or is
 21 in progress for purposes of flood insurance coverage made
 22 available under the national flood insurance program
 23 under the National Flood Insurance Act of 1968 and for
 24 providing public notification that such an event has com-
 25 menced or is in progress. In such review, the Adminis-

1 trator shall take into consideration the effects and implica-
2 tions that weather conditions, such as rainfall, snowfall,
3 projected snowmelt, existing water levels, and other condi-
4 tions have on the determination that a flood event has
5 commenced or is in progress. Not later than the expiration
6 of the 6-month period beginning upon the date of the en-
7 actment of this Act, the Administrator shall submit a re-
8 port to the Congress setting forth the results and conclu-
9 sions of the review undertaken pursuant to this section
10 and any actions undertaken or proposed actions to be
11 taken to provide for a more precise and technical deter-
12 mination that a flooding event has commenced or is in
13 progress.

14 **SEC. 33. STUDY ON REPAYING FLOOD INSURANCE DEBT.**

15 Not later than the expiration of the 6-month period
16 beginning on the date of the enactment of this Act, the
17 Administrator of the Federal Emergency Management
18 Agency shall submit a report to the Congress setting forth
19 a plan for repaying within 10 years all amounts, including
20 any amounts previously borrowed but not yet repaid, owed
21 pursuant to clause (2) of subsection (a) of section 1309
22 of the National Flood Insurance Act of 1968 (42 U.S.C.
23 4016(a)(2)).

1 **SEC. 34. NO CAUSE OF ACTION.**

2 No cause of action shall exist and no claim may be
3 brought against the United States for violation of any no-
4 tification requirement imposed upon the United States by
5 this Act or any amendment made by this Act.

6 **SEC. 35. AUTHORITY FOR THE CORPS OF ENGINEERS TO**
7 **PROVIDE SPECIALIZED OR TECHNICAL SERV-**
8 **ICES.**

9 (a) **IN GENERAL.**—Notwithstanding any other provi-
10 sion of law, upon the request of a State or local govern-
11 ment, the Secretary of the Army may evaluate a levee sys-
12 tem that was designed or constructed by the Secretary for
13 the purposes of the National Flood Insurance Program es-
14 tablished under chapter 1 of the National Flood Insurance
15 Act of 1968 (42 U.S.C. 4011 et seq.).

16 (b) **REQUIREMENTS.**—A levee system evaluation
17 under subsection (a) shall—

18 (1) comply with applicable regulations related
19 to areas protected by a levee system;

20 (2) be carried out in accordance with such pro-
21 cedures as the Secretary, in consultation with the
22 Administrator of the Federal Emergency Manage-
23 ment Agency, may establish; and

24 (3) be carried out only if the State or local gov-
25 ernment agrees to reimburse the Secretary for all

1 cost associated with the performance of the activi-
2 ties.

Passed the House of Representatives July 12, 2011.

Attest: KAREN L. HAAS,
Clerk.