[DISCUSSION DRAFT]

117TH CONGRESS
2D SESSION

H. R. ______

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

__________________________

IN THE HOUSE OF REPRESENTATIVES

M___. __________ introduced the following bill; which was referred to the Committee on ________________

__________________________

A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “National Flood Insurance Program Reauthorization Act of 2022”.

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

Sec. 1. Short title; table of contents.
Sec. 2. Congressional findings.
TITLE I—REAUTHORIZATION AND AFFORDABILITY

Sec. 101. Program extension.
Sec. 102. Demonstration program for policy affordability.
Sec. 103. Premium and fees relief for families and small businesses.
Sec. 104. Monthly installment payment of premiums.
Sec. 105. Use of replacement cost value in estimating premium rates.
Sec. 106. Refund of Premiums.

TITLE II—MAPPING

Sec. 201. Reauthorization of appropriations for National Flood Mapping Program.
Sec. 203. Flood mapping modernization and homeowner empowerment pilot program.
Sec. 204. Mapping improvements and reach.
Sec. 205. Refunds for properties inadvertently included in areas of special flood hazard.
Sec. 206. Appeals and publication of projected special flood hazard areas.
Sec. 207. Communication and outreach regarding changes to flood maps and flood risk data.
Sec. 208. Adoption of partial flood maps and flood risk data.
Sec. 209. New zone for levee-impacted areas.
Sec. 211. Technical Mapping Advisory Council.

TITLE III—MITIGATION

Sec. 301. Increased cost of compliance coverage.
Sec. 302. Multiple-loss properties.
Sec. 303. Premium rates for certain mitigated properties.
Sec. 304. Coverage for cooperatives.
Sec. 305. Voluntary community-based flood insurance pilot program.
Sec. 306. Mitigation funding.
Sec. 307. Community Rating System improvements.
Sec. 308. Community assistance program for effective floodplain management.

TITLE II—MODERNIZATION

Sec. 401. Effect of private flood insurance coverage on continuous coverage requirements.
Sec. 402. Optional coverage for blanket property policies.
Sec. 403. Annual independent actuarial study.
Sec. 404. Data exchange program.
Sec. 405. Elevation certificates.
Sec. 406. Leveraging risk transfer opportunities for a sound financial framework.
Sec. 407. Write-Your-Own arrangements.
Sec. 408. Registration of adjusters; training of floodplain managers.
Sec. 409. Study on increasing participation.

SEC. 2. CONGRESSIONAL FINDINGS.

The Congress finds that—
(1) since 2016, communities and families across the United States have suffered over $300 billion in losses as a result of flooding;

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

(3) the National Flood Insurance Program (NFIP) is a key component of the Federal Government’s efforts to minimize the damage and financial impact of floods;

(4) the NFIP is the principal provider of flood insurance in the United States, covering over 5 million households and businesses across the country;

(5) affordability of flood insurance coverage remains a serious concern;

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

(7) a policyholder’s ability to pay for flood insurance coverage should be considered for premium rate discounts; and

(8) in the absence of widespread private insurance industry participation, and as a matter of national policy, the Federal Government must ensure the availability and affordability of flood insurance.
TITLE I—REAUTHORIZATION
AND AFFORDABILITY

SEC. 101. PROGRAM EXTENSION.

(a) FINANCING.—Subsection (a) of section 1309 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)) is amended by striking “September 30, 2022” and inserting “[September 30, 2027]”.

(b) PROGRAM EXPIRATION.—Section 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4026) is amended by striking “September 30, 2022” and inserting “[September 30, 2027]”.

(c) RETROACTIVE EFFECTIVE DATE.—If this Act is enacted after September 30, 2022, the amendments made by subsections (a) and (b) shall take effect as if enacted on September 30, 2022.

SEC. 102. DEMONSTRATION PROGRAM FOR POLICY AFFORDABILITY.

(a) AUTHORITY.—

(1) IN GENERAL.—The Administrator of the Federal Emergency Management Agency shall establish and carry out a demonstration program under this section to demonstrate the effectiveness of providing means-tested discounted rates for flood insurance coverage made available under the National Flood Insurance Act of 1968 for eligible households.
(2) Consultation.—The Administrator may consult with the Secretary of the Treasury and the Secretary of Housing and Urban Development about the implementation of the program established pursuant to paragraph (1).

(b) Eligible Households and Properties.—The Administrator may provide discounted premium rates pursuant to this section only for properties that are—

(1) 1- to 4-family residential properties;

(2) as of the date of the enactment of his Act, covered by an existing policy for flood insurance under the national flood insurance program; and

(3) the primary residence of a current policy-holder under such program and household whose income does not exceed 80 percent of the area median income determined by the Secretary of Housing and Urban Development for purposes of the United States Housing Act of 1937.

(c) Income Determinations.—For purposes of the program under this section, the Administrator shall make determinations of household income on an annual basis.

(d) Premium Discounts.—Notwithstanding sections 1307 and 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4014, 4015), the chargeable premium rate for flood insurance coverage made available under the
program under this section shall be an amount that is
equal to 2 percent of annual area median income for the
area within which is located the property for which the
coverage is provided, except that the chargeable premium
rate provided to a policyholder under this subsection shall
not exceed that of any rate that would otherwise be appli-
cable.

(c) Disclosure of Full-Risk Rate.—The Admin-
istrator shall provide to each policyholder purchasing flood
insurance coverage under the program under this section
for a property, not later than the commencement of the
period of such coverage, a written statement setting forth
the full actuarial premium rate for coverage for such prop-
erty determined in accordance with section 1307(a) of the
4014(a)), the amount of the premium discount for such
coverage, and any other information the Administrator
considers helpful to policyholders in understanding flood
insurance coverage and costs.

(f) Guidance.—Not later than the expiration of the
12-month period beginning on the date of the enactment
of this Act, the Administrator shall issue guidance pro-
viding for the establishment of the demonstration program
under this section, which shall include—
(1) an estimation of the cost of such program stated in terms of the aggregate of premium discounts to be made available under the program;

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

(3) any new requirements to which policyholders participating in such program will be subject; and

(4) the results of any consultation with the Secretary of the Treasury or the Secretary of Housing and Urban Development.

(g) REPORT TO CONGRESS.—

(1) COLLECTION OF INFORMATION.—The Administrator shall collect by survey or other means, for each participating community in the national flood insurance program in which a policyholder under such program resides who received a discount under the demonstration program under this section and regarding each year during the period beginning 5 years before implementation of the demonstration program under this section and ending upon the termination date under subsection (i), the following information:
(A) The demographic characteristics of households purchasing flood insurance coverage under such program.

(B) The average median income of such households under such program.

(C) The number of properties located in areas for which a major disaster related to flooding was declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

(D) The number of policies made available under the national flood insurance program and the number and aggregate amount of claims submitted under such program.

(E) For all properties in such community receiving discounted rates under the demonstration program under this section, the aggregate amount of the premium rate for coverage that is determined in accordance with section 1307(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4014(a)) and the aggregate amount of premium discounts provided under the demonstration program.

(F) For all properties in such community, any changes to full actuarial premium rates due
to changes to flood maps and flood risk data or other factors.

(2) REPORT TO CONGRESS.—Not later than the expiration of the 5-year period beginning upon the implementation of the demonstration program under this section, the Administrator shall submit to the Congress a report evaluating the effectiveness of the assistance provided under such program, which shall include—

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

(B) an estimate of the cost of the program to the National Flood Insurance Fund under section 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017).

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

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Federal Emergency Management Agency.
(2) PREMIUM DISCOUNT.—The term “premium discount” means, with respect to a policy for flood insurance coverage under the national flood insurance program made available under the program under this section, the amount by which the full actuarial premium rate for coverage for such property that is determined in accordance with section 1307(a)(1) of the National Flood Insurance Act of 1968 (42 U.S.C. 4014(a)(1)) exceeds the chargeable premium rate for the coverage made available under the program under this section.

(i) TERMINATION.—The authority under this section to provide discounted premium rates for flood insurance coverage shall terminate on [May 31, 2027].

SEC. 103. PREMIUM AND FEES RELIEF FOR FAMILIES AND SMALL BUSINESSES.

(a) REPEAL OF SURCHARGE.—

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

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

(A) in section 1308(m) (42 U.S.C. 4015(m))—
(i) in paragraph (1), by striking “and the surcharges required under section 1308A”; and

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

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

(b) Small Loan Exception to Mandatory Purchase Requirement.—Subparagraph (A) of section 102(c)(2) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(c)(2)(A)) is amended by inserting before the semicolon the following: “in the case of a residential structure, or $25,000 or less in the case of a nonresidential structure”.

SEC. 104. MONTHLY INSTALLMENT PAYMENT OF PREMIUMS.

(a) Authority.—Subsection (g) of section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(g)) is amended—

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

“(g) Frequency of Premium Collection.—

“(1) Options.—With respect”; and

(2) by adding at the end the following:
“(2) **MONTHLY INSTALLMENT PAYMENT OF PREMIUMS.**—

“(A) **EXEMPTION FROM RULEMAKING.**—

Until such time as the Administrator promulgates regulations implementing paragraph (1) of this subsection, the Administrator may adopt policies and procedures, notwithstanding any other provisions of law and in alignment and consistent with existing industry escrow and servicing standards, necessary to implement such paragraph without undergoing notice and comment rulemaking and without conducting regulatory analyses otherwise required by statute, regulation, or Executive order.

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

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

“(i) during the 12-month period beginning on the date of the enactment of this subparagraph, charge policyholders choosing to pay premiums in monthly installments a fee for the total cost of the
monthly collection of premiums not to exceed $25 annually; and

“(ii) after the expiration of the 12-month period referred to in clause (i), adjust the fee charged annually to cover the total cost of the monthly collection of premiums as determined by the report submitted pursuant to subparagraph (D).

“(D) ANNUAL REPORTS.—On an annual basis, the Administrator shall report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate the ongoing costs associated with the monthly payment of premiums.”.

(b) IMPLEMENTATION.—Clause (ii) of section 1307(a)(1)(B) of the National Flood Insurance Act of 1968 (42 U.S.C. 4014(a)(1)(B)(ii)) is amended by inserting before “any administrative expenses” the following: “the costs associated with the monthly collection of premiums provided for in section 1308(g) (42 U.S.C. 4015(g)), but only if such costs exceed the operating costs and allowances set forth in clause (i) of this subparagraph, and”.
1  SEC. 105. USE OF REPLACEMENT COST VALUE IN ESTI-
2   MATING PREMIUM RATES.
3   Section 1307 of the National Flood Insurance Act of
4   1968 (42 U.S.C. 4014) is amended by adding at the end
5   the following new subsection:
6   “(i) USE OF REPLACEMENT COST VALUE.—In deter-
7   mining affordability for insurance provided under this
8   title, the Administrator may consider, where appropriate,
9   the impact of the inclusion of the replacement cost or
10   other settlement basis of the structure.”.

11  SEC. 106. REFUND OF PREMIUMS.
12   Chapter I of the National Flood Insurance Act of
13   1968 is amended by inserting after section 1307 (42
14   U.S.C. 4014) the following new section:
15   “SEC. 1307A. REFUND OF PREMIUMS.
16   “(a) REQUIRED REFUND.—Notwithstanding any
17   other provision of law, if at any time an insured under
18   a policy for flood insurance coverage for a property that
19   is made available under this title cancels such policy be-
20   cause other duplicate flood insurance coverage for the
21   same property has been obtained from a source other than
22   the National Flood Insurance Program under this title,
23   the Administrator shall refund to the former insured a
24   portion of the premiums paid for the coverage made avail-
25   able under this title, as determined consistent with indus-
26   try practice according to the portion of the term of the
policy that such coverage was in effect, but only if a copy
of declarations page of the new policy obtained from a
source other than the program under this title is provided
to the Administrator.

“(b) EFFECTIVE DATE OF CANCELLATION.—For
purposes of this section, a cancellation of a policy for cov-
erage made available under the National Flood Insurance
Program under this title, for the reason specified in sub-
section (a), shall be effective—

“(1) on the effective date of the new policy ob-
tained from a source other than the program under
this title, if the request for such cancellation was re-
ceived by the Administrator before the expiration of
the 6-month period beginning on the effective date
of the new policy; or

“(2) on the date of the receipt by the Adminis-
trator of the request for cancellation, if the request
for such cancellation was received by the Adminis-
trator after the expiration of the 6-month period be-
inning on the effective date of the new policy.

“(c) PROHIBITION OF REFUNDS FOR PROPERTIES
RECEIVING INCREASED COST OF COMPLIANCE CLAIMS OR
FOR WHICH A CLAIM HAS BEEN PAID.—No premium
amounts paid for coverage made available under this title
may be refunded pursuant to this section—
“(1) with respect to coverage for any property for which measures have been implemented using amounts received pursuant to a claim under increased cost of compliance coverage made available pursuant to section 1304(b); or

“(2) if a claim has been paid or is pending under the policy term for which the refund is sought.”.

TITLE II—MAPPING

SEC. 201. REAUTHORIZATION OF APPROPRIATIONS FOR NATIONAL FLOOD MAPPING PROGRAM.

Subsection (f) of section 100216 of the Biggert-Waters Flood Insurance Reform Act of 2012 (42 U.S.C. 4101b(f)) is amended by striking “$400,000,000 for each of fiscal years 2013 through 2017” and inserting “$500,000,000 for each of [fiscal years 2023 through 2027]”.

SEC. 202. NATIONAL FLOOD MAPPING PROGRAM.

(a) INCLUSION OF CADAstral FEATURES IN FLOOD MAPS AND FLOOD RISK DATA.—Section 100216(b)(3) of the Biggert-Waters Flood Insurance Reform Act of 2012 (42 U.S.C. 4101b(b)(3)) is amended—

(1) in subparagraph (D), by striking “and” at the end;
(2) in subparagraph (E), by striking the period at the end and inserting “; and”; and
(3) by adding at the end the following:
“(F) cadastral features.”.

(b) FORMAT OF FLOOD MAPS AND FLOOD RISK DATA.—Section 100216(c)(2) of the Biggert-Waters Flood Insurance Reform Act of 2012 (42 U.S.C. 4101b(c)(2)) is amended—
(1) in subparagraph (B), by striking “and” at the end;
(2) in subparagraph (C), by striking the period at the end and inserting “; and”; and
(3) by adding at the end the following:
“(D) spatially accurate in accordance with the common protocols for geospatial data under section 757 of the Geospatial Data Act of 2018 (43 U.S.C. 2806).”.

(c) ADDITIONAL CONSIDERATIONS.—Section 100216 of the Biggert-Waters Flood Insurance Reform Act of 2012 (42 U.S.C. 4101b) is amended—
(1) by redesignating subsection (f) as subsection (m); and
(2) by inserting after subsection (e) the following:
“(g) STREAM FLOW NETWORKS.—
“(1) IN GENERAL.—The Administrator shall co-
ordinate with the United States Geological Survey
for the sharing of data from stream flow networks
critical to the National Flood Insurance Program,
flood risk mapping, and flood risk assessments, to
ensure that—

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

“(B) such stream flow networks are suffi-
ciently densified by adding new stream gage
stations in high-risk areas;

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

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

“(2) DEFINITIONS.—In this subsection:

“(A) STREAM FLOW NETWORK.—The term
‘stream flow network’ means a network of
stream flow gages maintained under the direc-
tion of the United States Geological Survey and
its partners that is used to measure or record
the flow of water down a stream or river, or
through an entire watershed system, and transmit such information using a geospatial real-time data feed.

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

“(3) RULE OF CONSTRUCTION.—The purpose of this subsection is to require cooperation between the Federal Emergency Management Agency and United States Geological Survey and nothing in this subsection may be construed to require or obligate funding expenditures.

“(h) AVAILABILITY OF DATA TO PUBLIC.—The Administrator shall make available to the public on the website of the Federal Emergency Management Agency a national geospatial data repository that—

“(1) provides access to the raw data used to include the cadastral features and parcel identification data in National Flood Insurance Program flood maps and flood risk data;
“(2) to the extent that such data is available, allows users to view, query, and obtain such data at multiple levels of detail, including down to the property level;

“(3) allows users to view flood risks, flood insurance zones, and flood elevations;

“(4) provides access to flood mapping and related information such as—

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

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

“(C) flood depth grids;

“(D) flood risk reports;

“(E) flood risk assessments (Hazus analyses);

“(F) hazard mitigation plans; and

“(G) other flood risk products at the discretion of the Administrator; and

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

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

“(j) QUALIFICATIONS-BASED SELECTION CONTRACTING.—

“(1) IN GENERAL.—With respect to a contract awarded by the Administrator under this Act, for architectural and engineering services, such a contract shall be awarded to a contractor selected in accordance with the procedures described in section 1103 of title 40, United States Code (or an applicable equivalent State qualifications-based statute). The Administrator, or entity, as the case may be, shall require such contractor, as a condition of such contract, to award any subcontract for architectural and engineering services in accordance with the procedures described in the previous sentence, or the applicable equivalent State statute.

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

“(3) DEFINITION OF ARCHITECTURAL AND ENGINEERING SERVICES.—In this subsection, the term ‘architectural and engineering services’ has the meaning given such term in section 1102 of title 40, United States Code.
“(k) DEFINITION OF CADASTRAL FEATURE.—In this section, the term ‘cadastral feature’ means the geographic elements and features that are based upon public land records and that show the extent of right and interests in such land parcels.”.

SEC. 203. FLOOD MAPPING MODERNIZATION AND HOMEOWNER EMPOWERMENT PILOT PROGRAM.

(a) IN GENERAL.—The Administrator of the Federal Emergency Management Agency shall carry out a pilot program to make grants to units of local government to enhance the mapping of urban flooding and associated property damage and the availability of such mapped data to homeowners, businesses, and units of local government to enable them to minimize the risk of such flooding.

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

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

(2) To provide structure-specific projections of annual chance flood frequency.
(3) To provide structure-based flood-risk assessments.

(4) To provide urban flood-risk mitigation program design.

(5) To incorporate information regarding climate trends into urban flooding risk assessments.

(6) To make the information described in this subsection publicly available on the internet through a web-based portal so as to increase transparency regarding homeowner flood risks, except that the Administrator may not disclose such information to the public or to a private company in a manner that violates section 552a of title 5, United States Code, or any regulation implementing that section.

(c) Eligible Recipients.—

(1) In general.—Grants under the pilot program under this section may be made only to units of general local government located in urbanized areas, as such term is used by the Bureau of the Census of the Department of Commerce, having populations exceeding 50,000 or to stormwater management authorities of such units of general local government.
(2) ONE-TIME GRANTS.—A grant under the pilot program under this section may not be made to—

(A) any unit of general local governmental, or stormwater management authority of a unit of general government, that has previously received a grant under the pilot program;

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

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

(3) TREATMENT OF STORMWATER MANAGEMENT AUTHORITIES.—In the case of a stormwater management authority that operates with respect to more than one unit of general local government, the application of such authority shall be considered for purposes of paragraph (2) of this subsection and subsections (e), (f), and (g)(1) to be made for the largest unit of general local government for which such authority operates. The preceding sentence shall not limit the ability of such authority to carry
out activities under the demonstration project in any other jurisdictions or unit of local government with respect to which the authority operates.

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

(e) SELECTION OF RECIPIENTS.—

(1) ANNUAL SELECTION.—Subject to paragraph (2) and to the submission of approvable applications, in each fiscal year for which amounts are made available for grants under the pilot program under this section the Administrator shall select, from among applications submitted under subsection (d) for such fiscal year, 3 units of general government or stormwater management authorities to receive grants under the pilot program under this section.

(2) AGGREGATE LIMIT.—Subject only to the submission of approvable applications, the Administrator shall select, in the aggregate over the entire duration of the pilot program under this section, 12 units of general government or stormwater manage-
ment authorities to receive grants under the pilot program, as follows:

(A) Tier 1.—Three of the applicants selected shall be units of general local government, or stormwater management authorities for such units, having a population exceeding 800,000, as follows:

(i) Pelagic Coastal City.—One shall be a unit of general local government, or stormwater authority for such a unit, that is a pelagic unit.

(ii) Non-Pelagic Coastal City.—One shall be unit of general local government, or stormwater authority for such a unit, that is a coastal unit, but not a pelagic unit.

(iii) Non-Coastal City.—One shall be unit of general local government, or stormwater authority for such a unit, that is not a coastal unit.

(B) Tier 2.—Six of the applicants selected shall be units of general local government, or stormwater management authorities for such units, having a population exceeding 200,000 but not exceeding 800,000, as follows:
(i) **COASTAL CITIES.**—Three shall be units of general local government, or stormwater management authorities for such units, that are coastal units.

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

(C) **TIER 3.**—Three of the applicants selected shall be units of general local government, or stormwater management authorities for such units, having a population exceeding 50,000 but not exceeding 200,000.

(f) **PRIORITY.**—

(1) **IN GENERAL.**—The Administrator shall select applicants for grants under the pilot program under this section based on the extent to which their applications will achieve the objectives set forth in subsection (b).

(2) **TIERS 2 AND 3.**—In selecting applicants to receive grants under the pilot program under this section pursuant to subparagraphs (B) and (C) of subsection (e)(2), the Administrator shall give priority to applicants—
(A) that are highly vulnerable to sea level rise;
(B) within which are located a military installation or other facility relating to national security concerns; or
(C) that have a population that is highly vulnerable to urban flooding and have an uneven capacity for flood mitigation and response efforts resulting from socioeconomic factors.

(g) **AMOUNT.**—

(1) **CONSIDERATIONS.**—In determining the amount of grant under the pilot program under this section, the Administrator shall consider the population of the grant recipient, which may be considered in terms of the tier under subsection (e)(2) of the recipient.

(2) **FEDERAL SHARE.**—The amount of a grant under the pilot program under this section may not exceed 75 percent of the total cost of the activities under subsection (b) to be carried out using the grant amounts.

(h) **DURATION.**—The Administrator shall require each recipient of a grant under the pilot program under this section to complete the activities under subsection (b) to be carried out using the grant amounts before the expi-
ration of the 18-month period beginning upon the initial receipt of grant amounts under the pilot program.

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

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

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

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

(3) any lessons learned in carrying out such activities and any recommendations for future mapping modernization efforts by the Federal Emergency Management Agency.

(k) BIENNIAL REPORTS BY FEMA.—Not later than the expiration of the 24-month period beginning on the date of the enactment of this Act, and not later than the expiration of each successive 24-month period thereafter
until the completion of all activities carried out with
amounts from grants under the pilot program under this
section, the Administrator shall submit to the Congress
and make available to the public on an internet website
a report that—

(1) describes—

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

(B) the effectiveness of technology-based
mapping tools used in carrying out the activi-
ties described in subparagraph (A); and

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

(l) SENSE OF CONGRESS.—It is the sense of the Con-
gress that, because the pilot program is limited with re-
spect to scope and resources, communities that participate
in the pilot program should acknowledge that the most
successful efforts to mitigate the effects of urban flood-
ing—

(1) take a structural-based mitigation approach
with respect to construction, which includes—
(A) recognizing any post-storm damage that may occur; and

(B) pursuing designs that proactively minimize future flood damage;

(2) make individuals in the community aware, through any cost-effective and available means of education, of the best approaches regarding the construction of properties that are able to survive floods, which reduces the cost of future repairs; and

(3) encourage home and property owners to consider the measures described in paragraphs (1) and (2), which are the most cost-effective and prudent ways to reduce the impact of flooding, when constructing or renovating building components.

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

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Federal Emergency Management Agency.

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

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

(B) is not a river.
(3) PELAGIC.—The term “pelagic” means, with respect to a unit of general local government, that the unit is a coastal unit and the body of water that the unit borders is an ocean or other large, open body of water (including bays and gulfs) that empties into an ocean.

(4) URBAN FLOODING.—

(A) IN GENERAL.—The term “urban flooding” means the inundation of property in a built environment, particularly in more densely populated areas, caused either by falling rain collecting on impervious surfaces or increasing the levels of nearby water bodies and overwhelming the capacity of drainage systems, such as storm sewers, including—

(i) situations in which stormwater enters buildings through windows, doors, or other openings;

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

(iii) seepage through walls and floors;

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

(v) the overflow from water bodies, such as rivers, lakes, and oceans.
(B) **EXCLUSION.**—Such term does not include flooding in undeveloped or agricultural areas.

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

1. $1,200,000 for [fiscal year 2023]; and
2. $4,300,000 for [fiscal year 2024, to remain available through 2026].

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

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

1. in the matter preceding clause (i), by striking “National Flood Insurance Program rate maps” and inserting “flood maps and flood risk data”;
2. in clause (v), by striking “and” at the end;
3. by redesignating clause (vi) as clause (vii); and
4. by inserting after clause (v) the following:

“(vi) all areas of the United States; and”.

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May 9, 2022 (10:14 a.m.)
(b) USE OF OTHER FEDERAL AGENCIES AND LIDAR.—Section 100216 of the Biggert-Waters Flood Insurance Reform Act of 2012 (42 U.S.C. 4101b) is amended—

(1) in subsection (b)(1)—

(A) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively;

(B) by inserting after subparagraph (A) the following:

“(B) as soon as practicable—

“(i) modernize the flood mapping inventory for communities for which the National Flood Insurance Program flood maps and flood risk data have not been modernized; and

“(ii) in coordination with communities, utilize the digital display environment established under subsection (f)(1)(A) to produce, store, and disseminate any flood hazard data, models, and flood maps and flood risk data generated under clause (i) while ensuring that the flood mapping inventory described in that
clause may be printed in order to carry out—

“(I) floodplain management programs under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.); and

“(II) other purposes of the National Flood Insurance Program;”;

(C) in subparagraph (C), as so redesignated, by striking “and” at the end;

(D) in subparagraph (D), as so redesignated, by striking the period at the end and inserting “, and including the most current and most appropriate remote sensing or other geospatial mapping technology;”;

(E) by adding at the end the following:

“(E) when appropriate, partner with other Federal agencies, States, communities, and private entities in order to meet the objectives of the program; and

“(F) when appropriate, consult and coordinate with the Secretary of Defense, the Director of the United States Geological Survey, and the Administrator of the National Oceanic and Atmospheric Administration to obtain the most
up-to-date maps and other information of those agencies, including information relating to topography, water flow, watershed characteristics, and any other issues that are relevant to identifying, reviewing, updating, maintaining, and publishing National Flood Insurance Program flood maps and flood risk data.”;

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

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

“(1) ESTABLISHMENT.—

“(A) IN GENERAL.—Not later than 5 years after the date of enactment of the National Flood Insurance Program Reauthorization Act of 2019, the Administrator, in consultation with the Technical Mapping Advisory Council, shall establish, as part of a national structure inventory, a dynamic, database-derived digital display environment for flood hazard and risk data, models, maps, and assessments.

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

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

“(ii) consider adopting the techniques
and technologies used by the States and
communities described in clause (i) and ap-
plying those techniques and technologies
nationwide.

“(2) DIGITAL DISPLAY SYSTEM.—

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

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

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

“(iii) to the extent feasible, and where
sufficient data is available, provide infor-
mation, with respect to individual struc-
tures, regarding—
“(I) flood hazard and risk assessment determinations;

“(II) flood insurance; and

“(III) flood risk mitigation efforts;

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

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

“(II) the Administrator finds are acceptable;

“(v) include the capability to print physical copies of flood maps and flood risk data; and

“(vi) where feasible, allow for the maintenance and storage of elevation certificates.

“(B) PRIVACY REQUIREMENTS.—The Administrator may not disseminate the database described in subparagraph (A)(i), including any data used to create that database, to the public or to a private company in a manner that violates section 552a of title 5, United States
Code, or any regulation implementing that section.”;

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

“(l) ANNUAL REPORT.—The Administrator, in coordination with the Technical Mapping Advisory Council established under section 100215 of this Act, shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate an annual report regarding progress achieved in the mapping program under this section, including the digital display and structure-specific information required under subsection (f), which shall include recommendations to reduce the cost and improve the implementation of that subsection.”.

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

“(3) FUTURE FLOOD RISK.—The Administrator shall, in consultation with the Technical Mapping Council established under section 100215, provide financial and technical assistance to communities to incorporate future flood hazard conditions as an in-
formational layer on their Flood Insurance flood
maps and flood risk data.”

SEC. 205. REFUNDS FOR PROPERTIES INADVERTENTLY IN-
CLUDED IN AREAS OF SPECIAL FLOOD HAZ-
ARD.

Section 1307A of the National Flood Insurance Act
of 1968, as added by the preceding provisions of this Act,
is amended by adding at the end the following new sub-
section:

“(c) REFUNDS FOR PROPERTIES IN ADVERTENTLY
INCLUDED IN AREAS OF SPECIAL FLOOD HAZARD.—

“(1) IN GENERAL.—Notwithstanding any other
provision of law, the Administrator shall cancel a
policy for flood insurance made available under this
Act if—

“(A) the Administrator issues a final de-
termination based on updated scientific or tech-
ical information that demonstrates the insured
property was inadvertently included in a des-
ignated area of special flood hazard;

“(B) the updated scientific and technical
information is not based on any alteration of
topography caused by human modification of
the environment subsequent to the initial des-
ignation of the area of special flood hazard for
the insured property;

“(C) the insured property was covered by
Federal flood insurance required as a condition
of any Federal requirement to obtain and main-
tain flood insurance on the date of the deter-
mination satisfying subparagraph (A);

“(D) no claims have been paid or are
pending for the insured property prior to the
determination satisfying subparagraph (A); and

“(E) the policyholder requests cancellation
of the flood insurance policy within 12 months
of the determination satisfying subparagraph
(A).

“(2) REFUNDS.—Upon cancellation of a policy
pursuant to paragraph (1), the Administrator shall
refund the premiums and surcharges assessed under
section 1308B 1304(b) for the current policy year
and two consecutive prior years for the policy.”.

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

(a) APPEALS.—Section 1363 of the National Flood
Insurance Act of 1968 (42 U.S.C. 4104) is amended—

(1) in subsection (b), by striking the first and
second sentences and inserting the following: “After
first notifying the affected local governments, the Administrator shall publish notification of flood elevation determinations and designations of areas having special flood hazards in a prominent local newspaper or other legal format that the Administrator determines is functionally equivalent. Any owner or lessee of real property within the community who believes their property rights to be adversely affected by the Administrator’s proposed determination may submit a notice of appeal of such determination to the local government [no later than 30 days as set forth in the publication notice]. The appellant shall have 150 days from the commencement of the appeal period to submit a completed appeal, which shall include all data and analysis in support of the appeal.”;

(2) in subsection (c)—

(A) by inserting before “Appeals” the following: “Within the 30-day appeal period specified in the notification required under subsection (a), the community shall submit a notice of appeal to the Administrator indicating whether it intends to appeal the proposed determination.”; and
(B) in the last sentence, by striking “community’s appeal” and all that follows through “Administrator’s notification” and inserting the following: “community’s complete appeal or a copy of its decision not to appeal shall be filed with the Administrator within 150 days from the commencement of the appeal period as set forth in the notification”;

(3) in the first sentence of subsection (d)—

(A) by striking “receive an” and inserting “receive a completed”;

(B) by striking “ninety” and inserting “150”; and

(C) by striking “subsection (e)” and inserting “subsection (f)”;

(4) by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively; and

(5) by inserting after subsection (d) the following new subsection:

“(e) Determination by Administrator in the Absence of Appeals.—If the Administrator has not received any notices of appeals, upon expiration of the 90-day appeal period established under subsection (b) of this section the Administrator’s proposed determination shall become final upon the expiration of the 14-day period be-
ginning upon expiration of the 30-day appeal period. The
community shall be given a reasonable time after the Ad-
ministrator’s final determination in which to adopt local
land use and control measures consistent with the Admin-
istrator’s determination.”.

(b) PUBLICATION.—Subsection (a) of section 1363 of
the National Flood Insurance Act of 1968 (42 U.S.C.
4104(a)) is amended by striking “in the Federal Reg-
ister”.

SEC. 207. COMMUNICATION AND OUTREACH REGARDING
CHANGES TO FLOOD MAPS AND FLOOD RISK
DATA.

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

(1) in subparagraph (B), by inserting “maximum” before “30-day period”; and

(2) in subparagraph (C), by inserting “maximum” before “30-day period”.

SEC. 208. ADOPTION OF PARTIAL FLOOD MAPS AND FLOOD
RISK DATA.

Subsection (f) of section 1360 of the National Flood
Insurance Act of 1968 (42 U.S.C. 4101(f)) is amended
by adding at the end the following new flush matter:
“If the Administrator proposes to update flood hazard determinations and a complete appeal is filed, the Administrator may consider the determination final with respect to the areas that the Administrator determines are not related to the issues or hydrologically connected, or hydraulically connected, or both, to the areas raised in the appeals.”.

**SEC. 209. NEW ZONE FOR LEVEE-Impacted AREAS.**

Section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), as amended by the preceding provisions of this Act, is further amended by adding at the end the following:

“(l) LEVEE-Impacted AREAS.—

“(1) In General.—To facilitate the implementation of subparagraph (A)(iii) of section 100216(b)(1) of the Biggert-Waters Flood Insurance Reform Act of 2012 (42 U.S.C. 4101b(b)(1)), the Administrator shall—

“(A) separately identify and designate areas of residual flood risk in a manner that the Administrator determines adequately communicates both the flood risk reduction and the remaining risk associated with each levee; and

“(B) for communities participating in the National Flood Insurance Program, make flood
insurance available to properties located within those areas identified pursuant to subparagraph (A) at rates that reflect the remaining flood risk.

“(2) TRANSITION.—Until such time as the Administrator establishes insurance rates in accordance with paragraph (1), structures located such areas shall be eligible for rates associated with areas of moderate flood hazards.”.

SEC. 210. AGRICULTURAL STRUCTURES IN SPECIAL FLOOD HAZARD ZONES.

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

“(3) ALLOWABLE LOCAL VARIANCES FOR CERTAIN AGRICULTURAL STRUCTURES.—

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

“(i) the land use and control measures adopted pursuant to paragraph (1) may not, for purposes of such paragraph, be considered to be inadequate or inconsistent with the comprehensive criteria for
land management and use under section 1361 because such measures provide that, in the case of any agricultural structure that is located in an area having special flood hazards, a variance from compliance with the requirements to elevate or floodproof such a structure and meeting the requirements of subparagraph (B) may be granted; and

“(ii) the Administrator may not suspend a community from participation in the national flood insurance program, or place such a community on probation under such program, because such land use and control measures provide for such a variance.

This subparagraph shall not limit the ability of the Administrator to take enforcement action against a community that does not adopt adequate variance criteria or establish proper enforcement mechanisms.

“(B) VARIANCE; CONSIDERATIONS.—The requirements of this subparagraph with respect to a variance are as follows:
“(i) The variance is granted by an official from a duly constituted State or local zoning authority, or other authorized public body responsible for regulating land development or occupancy in flood-prone areas.

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

“(I) that neither floodproofing nor elevation of the new structure to the base flood elevation nor an alternative location for the new structure are practicable; and

“(II) that the structure is not located in—

“(aa) a designated regulatory floodway;

“(bb) an area riverward of a levee or other flood control structure; or

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

“(iii) In the case of existing structures—
“(I) if such structure is substantially damaged or in need of substantial repairs or improvements, such official has determined that neither floodproofing nor elevation to the base flood elevation is practicable; and

“(II) if such structure is located within a designated regulatory floodway, such official has determined that the repair or improvement does not result in any increase in base flood levels during the base flood discharge.

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

“(v) Not more than one claim payment exceeding $1,000 has been made for the structure under flood insurance coverage under this title within any period of 10 consecutive years at any time prior to the granting of the variance.
“(C) DEFINITIONS.—For purposes of this paragraph, the following definitions shall apply:

“(i) AGRICULTURAL STRUCTURE.—The term ‘agricultural structure’ has the meaning given such term in paragraph (2)(D).

“(ii) FLOODPROOFING.—The term ‘floodproofing’ means, with respect to an agricultural structure, any combination of structural and non-structural additions, changes, or adjustments to the structure, including attendant utilities and equipment, that reduce or eliminate potential flood damage to real estate or improved real property, water and sanitary facilities, structures, or their contents.”.

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

“(n) PREMIUM RATES FOR CERTAIN AGRICULTURAL STRUCTURES WITH VARIANCES.—Notwithstanding any other provision of this Act, the chargeable premium rate for coverage under this title for any structure provided a variance pursuant to section 1315(a)(3) shall be the same as the rate that otherwise would apply to such structure.
if the structure had been dry floodproofed or a comparable
actuarial rate based upon the risk associated with struc-
tures within the applicable areas established under section
1360(l).”.

(c) UPDATED GUIDANCE.—Not later than the expira-
tion of the 8-month period beginning on the date of the
enactment of this Act, the Administrator of the Federal
Emergency Management Agency shall update the guid-
ance entitled “Wet Floodproofing Requirements for Struc-
tures Located in Special Flood Hazard Areas in accord-
ance with the National Flood Insurance Program” (Tech-
nical Bulletin 7-93) to reflect the changes to such program
made by the amendments made by this section.

SEC. 211. TECHNICAL MAPPING ADVISORY COUNCIL.

Subparagraph (E) of section 100215(b)(1) of the
Biggert-Waters Flood Insurance Reform Act of 2012 (42
U.S.C. 4101a(b)(1)(E)) is amended—

(1) in the matter preceding clause (i), by strik-
ing “16” and inserting “17”;

(2) in clause (xiii), by striking “and” at the
end;

(3) in clause (xiv), by striking the period at the
end and inserting “; and”; and—

(4) by adding at the end the following new
clause:
“(xv) a member of a recognized professional real estate brokerage association.”

**TITLE III—MITIGATION**

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

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

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

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

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

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

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

“(D) properties identified by the Administrator as priorities for mitigation activities before the occurrence of damage to or loss of
property which is covered by flood insurance;
and’’;
(6) by inserting before “The national flood in-
surance program” the following:;
“(1) IN GENERAL.—”;
(7) by striking the last sentence (relating to
surcharge); and
(8) by adding at the end the following new
paragraphs:
“(2) COVERAGE AMOUNTS.—
“(A) BASIC COVERAGE.—Unless a policy-
holder chooses additional coverage pursuant to
subparagraph (B), the Administrator shall
make available coverage provided under para-
graph (1) in an amount equal to 20 percent of
the maximum amount of flood insurance cov-
erage allowable under section 1306(b)(2) (42
U.S.C. 4013(b)(2)) with respect to a residential
building described in such section.
“(B) ADDITIONAL COVERAGE.—The Ad-
ministrator may offer, and a policyholder may
choose to purchase for an additional premium,
coverage provided under paragraph (1) in an
amount greater than that offered pursuant to
subparagraph (A), but not exceeding an amount
equal to 40 percent of the maximum amount of flood insurance coverage allowable under section 1306(b)(2) (42 U.S.C. 4013(b)(2)) with respect to a residential building described in such section.

“(C) TREATMENT OF COVERAGE LIMITS.—Any amount of coverage for a property provided pursuant to this subsection shall not be considered or counted for purposes of any limitation on coverage applicable to such property under section 1306(b) and any claim on such coverage shall not be considered a claim for purposes of identifying properties with multiple losses, [including for purposes of section 1307(h) and for purposes of subsection (a)(3) and (h)(3) of section 1366].

“(D) MAXIMIZATION OF COVERAGE.—The Administrator shall make insurance coverage under this subsection available in an amount that maximizes the amount of coverage available, subject to this paragraph, generally accepted actuarial principles, and any other provision of this Act.]

“(3) PREMIUMS.—The Administrator shall charge risk premium rates for coverage made avail-
able pursuant to this subsection in accordance with
section 1307(a)(1).

“(4) ELIGIBLE MITIGATION ACTIVITIES.—

“(A) IN GENERAL.—Eligible mitigation
methods the cost of which is covered by cov-
ereage provided under this subsection shall in-
clude—

“(i) alternative methods of mitigation
identified in the guidelines issued pursuant
to section 1361(d); and

“(ii) costs associated with the pur-
chase, clearing, and stabilization of prop-
erty that is part of an acquisition or relo-
cation program that complies with sub-
paragraph (B).

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

“(i) IN GENERAL.—An acquisition or
relocation project shall be eligible to re-
ceive assistance pursuant to subparagraph
(A)(iii) only if—

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

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

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

“(bb) a restroom; or

“(cc) a structure that the Administrator approves in writing before the commencement of the construction of the structure.

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

“(I) no person may apply to a Federal entity for disaster assistance with regard to any property acquired, accepted, or from which a structure was removed as part of such acquisition or relocation project; and
“(II) no Federal entity may provide disaster assistance for such property.

“(C) PRE-DISASTER MITIGATION PROJECTS.—

“(i) AUTHORITY.—The Administrator may, in the Administrator’s discretion, provide that the cost of pre-disaster mitigation projects for eligible structures shall be eligible for coverage under this subsection, except that the Administrator shall not make a payment under this authority for any property that has not yet been insured by a flood insurance policy made available under this title for at least two years prior to submission of such claim.

“(ii) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may prescribe such additional terms and conditions as the Administrator may consider appropriate with respect to a claim under coverage provided pursuant to this subsection for a property that has not suffered flood damage, including as provided in clause (iii).
“(iii) **AUTHORITY TO REQUIRE MAINTENANCE OF FLOOD INSURANCE COVERAGE.**—If the Administrator provides pursuant to clause (i) that such projects are eligible for coverage under this subsection, the Administrator may require that—

“(I) flood insurance coverage for such project shall be maintained for such period as the Administrator may provide; and

“(II) in any case in which such coverage is not so maintained, that the owner reimburse the Administrator in the amount of the claim for the cost of the pre-disaster mitigation project.

“(iv) **NONCOMPLIANCE.**—Notwithstanding any other provision of law, no Federal disaster relief assistance may be used to make a payment (including any 7 loan assistance payment) to a person for repair, replacement, or restoration for damage to any personal, residential, or commercial property if such person failed
to comply with the requirements of sub-
clauses (I) and (II) of clause (iii).

“(v) Authority to require additional assessments.—If the Adminis-
trator provides pursuant to clause (i) that
such projects are eligible for coverage
under this subsection, the Administrator
may require that the policyholder be re-
quired to agree to an additional assess-
ment for such period as the Administrator
may provide as a condition of receiving
such assistance. The aggregate amount of
assessments collected shall not exceed the
amount of voluntary claim payments for
the property.

“(D) Assignment of claims for mitigation
grant recipients.—

“(i) In general.—A policyholder
may assign the rights or benefits of the
coverage made available under this sub-
section to satisfy a required non-Federal
contribution for a flood-related mitigation
project funded by mitigation assistance
programs described in clauses (i) through
(iii) of paragraph (1)(E).
“(ii) ELIGIBLE EXPENSES.—If a policyholder assigns rights or benefits of coverage pursuant to clause (i), a required non-Federal contribution for a flood-related mitigation project funded by mitigation assistance programs described in clauses (i) through (iii) of paragraph (1)(E) shall be an eligible expense for coverage made available under this subsection.

“(iii) TERMS AND CONDITIONS.—The Administrator may adopt procedures for assigning rights or benefits of coverage pursuant to clause (i).

“(E) ELIGIBLE STRUCTURE DEFINED.—For purposes of this paragraph, the term ‘eligible structure’ means any structure that—

“(i) was constructed in compliance with the flood map and flood risk data and local building and zoning codes in effect at the date of construction of the structure; and

“(ii) has not previously been altered, improved, replaced, or repaired using assistance provided under this subsection.
“(5) ANNUAL REPORTS.—The Administrator shall submit a report to the Congress annually, and shall make such report publicly available, that sets forth detailed information regarding the fees and surcharges for coverage under this subsection, the amount of revenue received from such fees and surcharges during the most recently completed fiscal year, and how such revenue was used, including the types of mitigation activities funded with such amounts.

“(6) IMPLEMENTATION.—Notwithstanding any other provision of law, the Administrator may implement this subsection by adopting one or more standard endorsements to the Standard Flood Insurance Policy by publication of such standards in the Federal Register, or by comparable means.”.

SEC. 302. MULTIPLE-LOSS PROPERTIES.

(a) FINANCIAL ASSISTANCE.—Section 1361 of the National Flood Insurance Act of 1968 (42 U.S.C. 4102) is amended by adding at the end the following new subsection:

“(e) MULTIPLE-LOSS PROPERTIES.—In making determinations regarding financial assistance under the authorities of this Act, the Administrator may consider the
extent to which a community is working to remedy problems with addressing multiple-loss properties.”.

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

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

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

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

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

“(9) SEVERE REPETITIVE-LOSS PROPERTY.—The term ‘severe repetitive-loss property’ means a structure that has incurred flood-related damage for which—
“(A) 4 or more separate claims payments have been made under flood insurance coverage under this title, with the amount of each such claim exceeding $5,000, and with the cumulative amount of such claims payments exceeding $20,000; or

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

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

(e) CONFORMING AMENDMENTS.—The National Flood Insurance Act of 1968 is amended—

(1) in section 1304(b)(1)(A) (42 U.S.C. 4011(b)(1)(A)), as amended by section 301 of this Act, by striking “repetitive loss structures” and inserting “repetitive-loss properties”;}
(2) in section 1307 (42 U.S.C. 4014)—
   (A) in subsection (a)(2)(B), by striking
   “repetitive loss property” and inserting “repeti-
   tive-loss property”; 
   (B) in subsection (g)(2)(B), by striking
   clauses (i) and (ii) and inserting the following:
   “(i) an extreme repetitive-loss prop-
   erty; or
   “(ii) a severe repetitive-loss prop-
   erty.”;
   (C) by striking subsection (h); and
   (D) by redesignating subsection (i), as
   added by the preceding provisions of this Act,
   as subsection (h);
(3) in section 1315(a)(2)(A)(i) (42 U.S.C.
4022(a)(2)(A)(i)), by striking “repetitive loss struc-
ture” and inserting “repetitive-loss property”; and
(4) in section 1366 (42 U.S.C. 4104c)—
   (A) in subsection (a)(2), by striking “re-
   petitive loss structures” and inserting “repet-
   tive-loss properties”;
   (B) in subsection (c)(2)(A)(ii), by striking
   “repetitive loss structures” and inserting “mul-
   tiple-loss properties”;
   (C) in subsection (d)—
(i) in paragraph (1)—

(I) in the paragraph heading, by striking “REPETITIVE LOSS STRUCTURES” and inserting “REPETITIVE-LOSS AND EXTREME REPETITIVE LOSS PROPERTIES”; and

(II) in the matter preceding subparagraph (A), by striking “repetitive loss structures” and inserting “repetitive-loss properties or extreme repetitive-loss properties”; and

(ii) in paragraph (2)—

(I) in the paragraph heading, by striking “REPETITIVE LOSS STRUCTURES” and inserting “REPETITIVE-LOSS PROPERTIES”; and

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

(D) in subsection (h), by striking paragraphs (2) and (3).
SEC. 303. PREMIUM RATES FOR CERTAIN MITIGATED PROPERTIES.

(a) Mitigation Strategies.—Paragraph (1) of section 1361(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4102(d)(1)) is amended—

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

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

   (3) by inserting after subparagraph (B) the following new subparagraphs:

   “(C) with respect to buildings in dense urban environments, methods that can be deployed on a block or neighborhood scale; and

   “(D) elevation of mechanical or other critical systems; and”.

(b) Mitigation Credit.—Subsection (k) of section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(k)) is amended—

   (1) by striking “shall take into account” and inserting the following: “shall—

   “(1) take into account”;

   (2) in paragraph (1), as so designated by the amendment made by paragraph (1) of this subsection, by striking the period at the end and inserting “; and”; and
(3) by adding at the end the following new paragraph:

“(2) offer a reduction of the risk premium rate charged to a policyholder based on the estimated reduction in flood damage, as determined by the Administrator, if the policyholder implements any mitigation method described in paragraph (1).”.

SEC. 304. COVERAGE FOR COOPERATIVES.

(a) Equal Treatment With Condominiums.—Section 1306 of the National Flood Insurance Act of 1968 (42 U.S.C. 4013), as amended by the preceding provisions of this Act is further amended by adding at the end the following:

“(f) Cooperative Buildings.—Notwithstanding any other provision of law, the Administrator shall make flood insurance coverage available to any individual with a membership interest and occupancy agreement in a cooperative housing project on the same terms as any owner of a condominium unit.”.

(b) Payment of Claims.—Section 1312 of the National Flood Insurance Act of 1968 (42 U.S.C. 4019) is amended—

(1) in subsection (c)—
(A) by striking “flood insurance to condominium owners” and inserting the following: “flood insurance—
“(1) to condominium owners”; and

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

(C) by adding at the end the following:
“(2) to individuals with a membership interest and occupancy agreement in a cooperative housing project who purchased such flood insurance separate and apart from the flood insurance purchased by the cooperative association in which such individual is a member, based solely, or in any part, on the flood insurance coverage of the cooperative association or others on the overall property owned by the cooperative association.”; and

(2) by adding at the end the following:
“(d) DEFINITIONS.—For purposes of this section and section 1306(e), the terms ‘cooperative association’ and ‘cooperative housing project’ shall have such meaning as the Administrator shall provide.”.

SEC. 305. VOLUNTARY COMMUNITY-BASED FLOOD INSURANCE PILOT PROGRAM.

(a) ESTABLISHMENT.—The Administrator of the Federal Emergency Management Agency (in this section

"Discussion Draft"
referred to as the “Administrator”) shall carry out a com-
munity-based flood insurance pilot program to make avail-
able, for purchase by participating communities, a single,
community-wide flood insurance policy under the National
Flood Insurance Program that—

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

(2) satisfies, for all such properties within the
community, the mandatory purchase requirements
under section 102 of the Flood Disaster Protection

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

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

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

(2) A deductible.

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

(4) A community audit.
(5) A method of preventing redundant claims payments by the National Flood Insurance Program in the case of a claim by an individual property owner who is covered by a community-wide flood insurance policy and an individual policy obtained through the Program.

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

(d) TIMING.—The Administrator shall establish the demonstration program under this section not later than the expiration of the 180-day period beginning on the date of the enactment of this Act and the program shall terminate on [September 30, 2027].

(e) DEFINITION OF COMMUNITY.—For purposes of this section, the term “community” means any unit of local government, within the meaning given such term under the laws of the applicable State.

SEC. 306. MITIGATION FUNDING.

For each of the first 5 fiscal years beginning after following the date of the enactment of this Act, there is authorized to be appropriated $200,000,000 to carry out the flood mitigation assistance grant program under sec-

SEC. 307. COMMUNITY RATING SYSTEM IMPROVEMENTS.

(a) Provision of Community Rating System Premium Credits to Maximum Number of Communities Eligible.—Subsection (b) of section 1315 of the National Flood Insurance Act of 1968 (42 U.S.C. 4022(b)) is amended—

(1) in paragraph (2), by striking “may” and inserting “shall”; and

(2) in paragraph (3), by inserting “, and the Administrator shall provide credits to the maximum number of communities eligible” after “under this program”.

(b) Grants for Community Rating System Program Coordinators.—Section 1315 of the National Flood Insurance Act of 1968 (42 U.S.C. 4022) is amended by adding at the end the following new subsection:

“(d) Grants for Community Rating System Program Coordinators.—

“(1) Authority.—The Administrator shall carry out a program to make grants to consortia of States and communities for use only for costs of employing or otherwise retaining an individual or individuals to coordinate and carry out training, tech-
technical assistance, and assistance with application to
the community rating system program under sub-
section (b) for States and communities that are
members of such consortia.

“(2) ELIGIBILITY.—The Administrator shall es-

establish such criteria as the Administrator considers
appropriate for a consortium of States and commu-
nities to be eligible for grants under this subsection,
which shall include requiring a consortium to provide
evidence to the Administrator that the consortium
has sufficient authority and administrative capability
to use grant amounts in accordance with this sub-
section on behalf of its member jurisdictions.

“(3) TIMING.—A consortium receiving a grant
under this section shall establish the position or po-
sitions described in paragraph (1), and employ or
otherwise retain an individual or individuals to fill
such position or positions, not later than the date
that all such grant amounts are expended.

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

“(A) the evidence referred to in paragraph
(2);
“(B) such assurances as the Administrator shall require to ensure compliance with the requirement under paragraph (3);

“(C) such assurances as the Administrator shall require to ensure that the consortia will provide funding sufficient to continue the position or positions funded with the grant amounts, in the same annual amount as under such grant funding, after such grant funds are expended; and

“(D) such other information as the Administrator may require.

“(5) SELECTION.—From among eligible consortia of States and communities submitting applications pursuant to paragraph (3), the Administrator shall select consortia to receive grants under this subsection in accordance with such competitive criteria for such section as the Administrator shall establish.

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

There is authorized to be appropriated for grants under this subsection—

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

“(B) $7,000,000 for each of the four consecutive fiscal years thereafter.”.

SEC. 308. COMMUNITY ASSISTANCE PROGRAM FOR EFFECTIVE FLOODPLAIN MANAGEMENT.

(a) IN GENERAL.—Chapter I of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.) is amended by adding at the end the following:

“SEC. 1326. COMMUNITY ASSISTANCE PROGRAM FOR EFFECTIVE FLOODPLAIN MANAGEMENT.

“(a) IN GENERAL.—The Administrator shall establish a community assistance program under this section to increase the capacity and capability of States, Indian tribes, and communities to effectively manage flood risk and participate in the national flood insurance program, including the community rating system program under section 1315(b), by providing financial and technical assistance to States, tribes and communities.
“(b) COMPONENTS.—The community assistance program under this program shall include—

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

“(2) conducting periodic assessments, not less often than once every 5 years, of the technical assistance and training needs of States, Indian tribes, and communities;

“(3) providing technical assistance and training to States, Indian tribes, and communities in accordance with the needs identified by such assessments;

“(4) conducting periodic reviews of State, Indian tribe, and community floodplain management standards by the Administrator to promote continuous improvement in building and maintaining effective State floodplain management programs (as such term is defined in subsection (d));

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

“(6) in coordination with each State receiving a grant under subsection (e), developing and executing a strategy to—
“(A) provide technical assistance to communities, including small and rural communities, and Indian tribes within the State; and

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

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

“(e) COMMUNITY ASSISTANCE GRANTS TO STATES.—

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

“(A) to increase the capacity and capability of the State and communities and Indian tribes in the State to effectively manage flood risk and to fully participate in the national flood insurance program, including the community rating system program; and

“(B) for activities related to implementation, administration, oversight, and enforcement of the national flood insurance program at the State and local and tribal levels.

“(2) GUIDELINES.—The Administrator shall establish guidelines governing the use of grant funds
under this subsection, including setting forth activities eligible to be funded with such amounts.

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

“(A) demonstrate, to the satisfaction of the Administrator, that the State has in effect qualifying State floodplain management standards for the State;

“(B) agree to submit such reports, certifications, and information to the Administrator as the Administrator shall require, including those required under paragraph (5); and

“(C) meet any additional eligibility requirements as the Administrator may require.

“(4) APPLICATION; SELECTION CRITERIA.—The Administrator shall provide for States to submit applications for grants under this subsection, which shall include such information, assurances, and certifications as the Administrator may require, and may establish criteria for selection of qualifying applications to be selected for grants under this subsection.

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

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

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

“(2) QUALIFYING STATE FLOODPLAIN MANAGEMENT STANDARDS.—The term ‘qualifying State floodplain management standards’ means the floodplain management standards of a State that—

“(A) are specifically authorized under State law and do not conflict with or inhibit the implementation of the National Flood Insurance Act of 1968;

“(B) designate an entity responsible for coordinating the national flood insurance program in the State;

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

“(D) address on a long-term basis—
“(i) integration of floodplain management activities with other State functions and activities;

“(ii) identification of flood hazards;

“(iii) management of natural floodplain functions and resources;

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

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

“(vi) strategies for informing communities and citizens about flood risk and mitigation options; and

“(vii) measures for evaluating the effectiveness of State floodplain management efforts;

“(E) include a long-term plan that will facilitate the prioritization and provision of training and technical assistance to communities and Indian tribes in the State to increase local and tribal capacity and capability for floodplain management, including the capacity and capability to participate in the national flood insurance program and the community rating system program;
“(F) provide for oversight, administration and enforcement of the national flood insurance program at the State and community levels; and

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

“(e) FUNDING.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $20,000,000 for each of fiscal years 2023 through 2028 for the National Flood Insurance Fund for carrying out this section. Any amounts appropriated pursuant to this subsection shall remain available until expended.

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

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

“(B) for additional assistance only for States exceeding the goals established pursuant to subsection (b)(7).”.

(b) USE OF NATIONAL FLOOD INSURANCE FUND AMOUNTS.—Subsection (a) of section 1310 of the Na-
tional Flood Insurance Act of 1968 (42 U.S.C. 4017(a))
is amended—

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

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

(3) by adding at the end the following:

“(9) for carrying out the community assistance program for effective floodplain management under section 1326.”.

TITLE II—MODERNIZATION

SEC. 401. EFFECT OF PRIVATE FLOOD INSURANCE COVERAGE ON CONTINUOUS COVERAGE REQUIREMENTS.

Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015), as amended by the preceding provisions of this Act, is further amended by adding at the end the following:

“(o) EFFECT OF PRIVATE FLOOD INSURANCE COVERAGE ON CONTINUOUS COVERAGE REQUIREMENTS.—

For purposes of applying any statutory, regulatory, or administrative continuous coverage requirement, including under section 1307(g)(1), the Administrator shall consider any period during which a property was continuously covered by a flood insurance policy, either offered through
the national flood insurance program or private market, that was used to satisfy the requirements under subsections (a) and (b) of section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) to be a period of continuous coverage.”.

SEC. 402. OPTIONAL COVERAGE FOR BLANKET PROPERTY POLICIES.

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

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

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

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

“(6) the Administrator may provide that, in the case of any commercial property or other residential property, including multifamily rental property and agricultural property, one blanket property policy be made available to every insured upon renewal and every applicant with multiple structures on the same property, except that—

“(A) purchase of such coverage shall be at the option of the insured; and
“(B) any such coverage shall be made available only at chargeable rates that are not less than the estimated premium rates for such coverage determined in accordance with section 1307(a)(1).”.

SEC. 403. ANNUAL INDEPENDENT ACTUARIAL STUDY.

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

“SEC. 1349. ANNUAL INDEPENDENT ACTUARIAL STUDY.

“The Administrator shall provide for an independent actuarial study of the National Flood Insurance Program to be conducted annually, which shall analyze the financial position of the Program. The Administrator shall submit a report annually to the Congress describing the results of such study and assessing the financial status of the Program. The report shall recommend adjustments to underwriting standards, program participation, or premiums, if necessary, to ensure that the Program remains financially sound. The report shall also include an evaluation of the quality control procedures and accuracy of information utilized in the process of underwriting National Flood Insurance Program policies. Such evaluation shall include a review of the risk characteristics of policies.”.
SEC. 404. DATA EXCHANGE PROGRAM.

Section 1313 of the National Flood Insurance Act of 1968 (42 U.S.C. 4020) is amended—

(1) by inserting after the section enumerator the following: “(a) AVAILABILITY OF FLOOD INSURANCE INFORMATION.—”; and

(2) by adding at the end the following new subsections:

“(b) DATA EXCHANGE PROGRAM.—

“(1) IN GENERAL.—The Administrator shall disclose policy and claims information described in paragraph (2) to an insurance company, as such term is defined in subsection (f), if such insurance company has entered into a data sharing agreement with the Administrator pursuant to paragraph (3).

“(2) DATA ELIGIBLE FOR SHARING.—The Administrator shall disclose the following claims and policy information, obtained in connection with a flood insurance policy made available under this title or through a data sharing agreement executed pursuant to paragraph (3), pursuant to paragraph (1):

“(A) The location of the insured property, by address and latitude and longitude).

“(B) Amount of coverage in force.

“(C) Dates of loss.

“(D) The amount paid on claims.
“(E) Any other claims and policy information the Administrator determines necessary and appropriate.

“(3) DATA SHARING AGREEMENT.—A data sharing agreement entered into pursuant to paragraph (1) shall include—

“(A) the terms and conditions under which insurance companies may use, share, store, and account for the data, which shall at minimum include provisions ensuring that—

“(i) the insurance company may only use information provided under the agreement for the purposes of underwriting, establishing premium rates, and adjusting claims; and

“(ii) the insurance company may not use the information provided as part of the agreement for marketing purposes;

“(B) an agreement by the insurance company to provide to the Administrator the insurance company’s policy and claims data in a form prescribed by the Administrator; and

“(C) any other terms and conditions the Administrator determines are necessary and appropriate.
“(c) Access to Flood Insurance Information.—Upon the request of a purchaser, lessee, or current owner of a property, the Administrator shall provide to the purchaser, lessee, or current owner of the property information pertaining to the property the purchaser or lessee is under contract to buy or lease, respectively, or the current owner’s property, as follows:

“(1) The number and dollar value of claims filed for the property, and factors related to the cause of loss, over the life of the property, as known to the Administrator, including claims made under—

“(A) a flood insurance policy made available under this Act; and

“(B) a private flood insurance policy.

“(2) Information on whether the property owner may be required to purchase flood insurance coverage due to previous receipt of Federal disaster assistance subject to the mandatory purchase requirement under section 102 of the Flood Disaster Protection Act of 1973.

“(3) Such other available information about the property as determined by the Administrator to accurately and adequately characterize the true flood risk to the property.
“(d) PRIVACY PROTECTION.—Disclosure of information contained within a system of records (as such term is defined in section 552a(a)(5) of title 5, United States Code) as authorized in subsections (b) and (c) of this section shall be considered a routine use for the purposes of section 552a(3) of title 5, United States Code.

“(e) FEE.—

“(1) IN GENERAL.—To carry out subsection (b), the Administrator may charge a fee to participating insurance companies under subsection (b). The Administrator shall not charge a fee to the current owner requesting flood insurance information under subsection (c).

“(2) DEPOSIT.—The Administrator shall deposit the fee collected under this subsection into the National Flood Insurance Fund established under section 1310.

“(f) DEFINITION.—For the purposes of this section the following definitions shall apply:

“(1) INSURANCE COMPANY.—The term ‘insurance company’ means an insurance company that meets the requirements of subparagraph (A) of section 102(b)(7) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(b)(7)(A)).
“(2) LESSEE.—The term ‘lessee’ means a person who enters into an agreement to lease, rent, or sublease a property.

“(3) PURCHASER.—The term ‘purchaser’ means a person or entity that enters into an agreement to purchase an interest in a property.”.

SEC. 405. ELEVATION CERTIFICATES.

Chapter I of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.), as amended by the preceding provisions of this Act, is further amended by adding at the end the following:

“SEC. 1327. ELEVATION CERTIFICATES.

“Surveyed elevation data and other information relating to a building that is recorded on a National Flood Insurance Program Elevation Certificate by an individual licensed to record that information shall continue to be in effect, and the Elevation Certificate shall not expire, until the date on which there is an alteration in the building.”.

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

(a) In General.—Subsection (e) of section 1345 of the National Flood Insurance Act of 1968 (42 U.S.C. 4081(e)) is amended—
(1) by striking “(e) RISK TRANSFER.—The Administrator” and inserting the following:

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

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

(2) by adding at the end the following:

“(2) LEVERAGING RISK TRANSFER OPPORTUNITIES.—On an annual basis, the Administrator shall evaluate ceding a portion of the risk of the flood insurance program under this title to the private reinsurance or capital markets, or any combination thereof, if the Administrator determines—

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

“(B) doing so would further the development and maintenance of a sound financial framework for the National Flood Insurance Program.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall become effective upon the expiration of the 18-month period that begins upon the date of the enactment of this Act.
SEC. 407. WRITE-YOUR-OWN ARRANGEMENTS.

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

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

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

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

“(3) Material failure to comply with the requirements of the arrangement or with the written standards, procedures, or guidance issued by the Administrator relating to the National Flood Insurance Program and applicable to the company.

“(g) STANDARDIZED FEE AUTHORITY.—The Administrator may establish and implement a standardized fee schedule for all engineering services provided in connection with flood insurance coverage provided under this title by means of a Write Your Own arrangement.”.
SEC. 408. REGISTRATION OF ADJUSTERS; TRAINING OF FLOODPLAIN MANAGERS.

(a) Registration of Adjusters.—Section 1345 of the National Flood Insurance Act of 1968 (42 U.S.C. 4081), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsection:

“(h) Registration of Adjusters.—

“(1) In general.—The Administrator shall not authorize a person to adjust a claim made under a flood insurance policy sold pursuant to this Act in the capacity of an adjuster or similar position unless such person is registered by the Administrator.

“(2) Registration requirements.—The Administrator shall not register a person pursuant to paragraph (1) unless the person—

“(A) completes a training course conducted in compliance with paragraph (3) at least once in every 12-month period;

“(B) pays a fee to the Administrator imposed pursuant to paragraph (5);

“(C) complies with any other requirements determined by the Administrator to be reasonable and appropriate to support the effective implementation of the National Flood Insurance Program.
“(3) TRAINING REQUIREMENTS.—A training course required by paragraph (2)(A) shall comply with following requirements:

“(A) COURSE CONTENT.—The training course shall include material relevant to the adjustment of claims under flood insurance made available pursuant to this Act, such as the following:

“(i) POLICY TERMS AND CONDITIONS.—The coverages, exclusions, and other terms and conditions of the policy forms and endorsements sold pursuant to this Act.

“(ii) CLAIMS.—The policyholder’s responsibilities following a flood loss and how the National Flood Insurance Program investigates, approves, and pays claims, including conducting substantial damage and substantial improvement determinations.

“(iii) APPEAL AND JUDICIAL REVIEW.—How a policyholder may—

“(I) appeal a claim denial to the Federal Emergency Management Agency; and
“(II) seek judicial review following a claim denial.

“(iv) OTHER TOPICS.—Any other appropriate topics as determined by the Administrator.

“(B) METHOD OF DELIVERY.—A training course required by paragraph (2) may be conducted in-person or remotely by the Federal Emergency Management Agency.

“(4) RULE OF CONSTRUCTION.—This subsection may not be construed to—

“(A) affect the Administrator’s liability under a flood insurance policy made available pursuant to this Act; or

“(B) create a private right of action not otherwise established by law.

“(5) REGISTRATION FEE.—The Administrator may require a person seeking registration under this subsection to pay a fee sufficient to cover the Administrator’s expense associated with the implementation of this subsection, but such fee shall not exceed $100 per year.

“(6) REGISTRATION DENIAL, NONRENEWAL, OR REVOCATION.—The Administrator may place on probation, suspend, revoke, or refuse to issue or renew
a registration issued pursuant to this subsection for any one of more of the following causes:

“(A) Providing incorrect, misleading, incomplete, or materially untrue information in the registration application.

“(B) Violating any regulation, guidance, or other requirement adopted by the Administrator.

“(C) Obtaining or attempting to obtain a registration through misrepresentation or fraud.

“(D) Improperly withholding, misappropriating or converting any monies or properties received in the course of doing insurance business.

“(E) Intentionally misrepresenting the terms of an actual or proposed insurance contract or application for insurance.

“(F) Having admitted or been found to have committed any insurance unfair trade practice or fraud.

“(G) Failing to comply with all applicable laws regarding professional licensure and conduct.
“(H) Any other cause of so serious or compelling a nature that it affects the person’s present responsibility.”.

(b) **Training Opportunities for Floodplain Managers.**—

(1) **In General.**—Section 1361 of the National Flood Insurance Act of 1968 (42 U.S.C. 4102), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsection:

“(f) **Training Opportunities for Floodplain Managers.**—The Administrator shall—

“(1) make available training courses and other guidance materials for local floodplain managers with respect to—

“(A) implementing and enforcing the floodplain management requirements necessary to remain in compliance with the National Flood Insurance Program; and

“(B) being better prepared to recover from future disasters; and

“(2) work with applicable State agencies to provide the training described in paragraph (1) and verify that local floodplain managers are completing the training.’’’.
(2) EFFECTIVE DATE.—Subsection (f) of section 1361 of the National Flood Insurance Act of 1968, as added by the amendment made by paragraph (1), shall take effect upon the expiration of the 12-month period beginning on the date of the enactment of this Act.

SEC. 409. STUDY ON INCREASING PARTICIPATION.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study that proposes to address, through programmatic and regulatory changes, how to increase participation in flood insurance coverage.

(b) ISSUES.—In conducting the study under subsection (a), the Comptroller General shall consider the following:

(1) Expanding participation in flood insurance coverage, beyond areas having special flood hazards, to areas of moderate or minimal flood hazard risk.

(2) Automatically enrolling consumers in flood insurance while providing consumers the opportunity to decline enrollment.

(3) Bundling flood insurance coverage that diversifies risk across all or multiple-peril forms.

(e) DETERMINATIONS.—In conducting the study under subsection (a), the Comptroller General shall determine the following:
(1) The percentage of properties with federally backed mortgages located in an area having special flood hazards that are covered by flood insurance that satisfies the requirement under section 102(b) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(b)).

(2) The percentage of properties with federally backed mortgages located in the 500-year floodplain that are covered by flood insurance that would satisfy the requirement described in paragraph (1) if that requirement applied to such properties.

(d) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit a report on the study conducted under subsection (a) to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(e) DEFINITIONS.—For purposes of this section—

(1) the term “500-year floodplain” has the meaning given the term in section 100202(a) of the Biggert-Waters Flood Insurance Reform Act of 2012 (40 U.S.C. 4004(a));

(2) the terms “Federal agency lender”, “improved real estate”, and “regulated lending institu-
tion” have the meanings given such terms in section 3(a) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4003(a)); and

(3) the term “property with a federally backed mortgage” means improved real estate or a mobile home securing a loan that was—

(A) made by a regulated lending institution or Federal agency lender; or

(B) purchased by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation.