

113TH CONGRESS
1ST SESSION

S. 996

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

IN THE SENATE OF THE UNITED STATES

MAY 21, 2013

Ms. LANDRIEU introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. DEFINITION.**

4 In this Act, the term “Administrator” means the Ad-
5 ministrator of the Federal Emergency Management Agen-
6 cy.

1 **SEC. 2. MAINTAINING RISK PREMIUM RATES FOR PROP-**
 2 **ERTIES PURCHASED AFTER THE DATE OF EN-**
 3 **ACTMENT OF THE BIGGERT-WATERS FLOOD**
 4 **INSURANCE REFORM ACT OF 2012.**

5 (a) IN GENERAL.—Section 1307(g) of the National
 6 Flood Insurance Act of 1968 (42 U.S.C. 4014(g)) is
 7 amended—

8 (1) by striking paragraph (2); and

9 (2) by redesignating paragraphs (3) and (4) as
 10 paragraphs (2) and (3), respectively.

11 (b) EFFECTIVE DATE.—Subsection (a) shall take ef-
 12 fect as if enacted on the date of enactment of the Biggert-
 13 Waters Flood Insurance Reform Act of 2012 (Public Law
 14 112–141; 126 Stat. 916).

15 **SEC. 3. DELAY IN FLOOD INSURANCE RATE CHANGES.**

16 (a) IN GENERAL.—Any change in risk premium rates
 17 for flood insurance under the National Flood Insurance
 18 Program under the amendments made by sections 100205
 19 and 100207 of the Biggert-Waters Flood Insurance Re-
 20 form Act of 2012 (Public Law 112–141; 126 Stat. 917)
 21 to sections 1307 and 1308 of the National Flood Insur-
 22 ance Act of 1968 (42 U.S.C. 4014 and 4015) shall not
 23 take effect until—

24 (1) the date that is 180 days after the date on
 25 which the Administrator submits the report on af-

fordability under section 100236(c) of the Biggert-Waters Flood Insurance Reform Act of 2012; or

(2) if the Administrator determines that the report on affordability required under section 100236(c) of the Biggert-Waters Flood Insurance Reform Act of 2012 cannot be submitted by the date specified under such section 100236(c), the date that is 180 days after the date on which the Administrator submits the information under section 100236(e)(2) of such Act, as added by section 6 of this Act.

(b) EFFECTIVE DATE.—Subsection (a) shall take effect as if enacted as part of the Biggert-Waters Flood Insurance Reform Act of 2012.

SEC. 4. STUDIES OF VOLUNTARY COMMUNITY-BASED FLOOD INSURANCE OPTIONS.

(a) STUDY.—

(1) STUDY REQUIRED.—The Administrator shall conduct a study to assess options, methods, and strategies for making available voluntary community-based flood insurance policies through the National Flood Insurance Program.

(2) CONSIDERATIONS.—The study conducted under paragraph (1) shall—

1 (A) take into consideration and analyze
2 how voluntary community-based flood insurance
3 policies—

4 (i) would affect communities having
5 varying economic bases, geographic loca-
6 tions, flood hazard characteristics or classi-
7 fications, and flood management ap-
8 proaches; and

9 (ii) could satisfy the applicable re-
10 quirements under section 102 of the Flood
11 Disaster Protection Act of 1973 (42
12 U.S.C. 4012a); and

13 (B) evaluate the advisability of making
14 available voluntary community-based flood in-
15 surance policies to communities, subdivisions of
16 communities, and areas of residual risk.

17 (3) CONSULTATION.—In conducting the study
18 required under paragraph (1), the Administrator
19 may consult with the Comptroller General of the
20 United States, as the Administrator determines is
21 appropriate.

22 (b) REPORT BY THE ADMINISTRATOR.—

23 (1) REPORT REQUIRED.—Not later than 18
24 months after the date of enactment of this Act, the
25 Administrator shall submit to the Committee on

1 Banking, Housing, and Urban Affairs of the Senate
2 and the Committee on Financial Services of the
3 House of Representatives a report that contains the
4 results and conclusions of the study conducted under
5 subsection (a).

6 (2) CONTENTS.—The report submitted under
7 paragraph (1) shall include recommendations for—

8 (A) the best manner to incorporate vol-
9 untary community-based flood insurance poli-
10 cies into the National Flood Insurance Pro-
11 gram; and

12 (B) a strategy to implement voluntary
13 community-based flood insurance policies that
14 would encourage communities to undertake
15 flood mitigation activities, including the con-
16 struction, reconstruction, or improvement of
17 levees, dams, or other flood control structures.

18 (c) REPORT BY COMPTROLLER GENERAL.—Not later
19 than 6 months after the date on which the Administrator
20 submits the report required under subsection (b), the
21 Comptroller General of the United States shall—

22 (1) review the report submitted by the Adminis-
23 trator; and

24 (2) submit to the Committee on Banking,
25 Housing, and Urban Affairs of the Senate and the

1 Committee on Financial Services of the House of
 2 Representatives a report that contains—

3 (A) an analysis of the report submitted by
 4 the Administrator;

5 (B) any comments or recommendations of
 6 the Comptroller General relating to the report
 7 submitted by the Administrator; and

8 (C) any other recommendations of the
 9 Comptroller General relating to community-
 10 based flood insurance policies.

11 **SEC. 5. AMENDMENTS TO NATIONAL FLOOD INSURANCE**

12 **ACT OF 1968.**

13 (a) ADEQUATE PROGRESS ON CONSTRUCTION OF
 14 FLOOD PROTECTION SYSTEMS.—Section 1307(e) of the
 15 National Flood Insurance Act of 1968 (42 U.S.C.
 16 4014(e)) is amended by inserting after the second sen-
 17 tence the following: “Notwithstanding any other provision
 18 of law, in determining whether a community has made
 19 adequate progress on the construction, reconstruction, or
 20 improvement of a flood protection system, the Adminis-
 21 trator shall not consider the level of Federal funding of
 22 or participation in the construction, reconstruction, or im-
 23 provement.”.

24 (b) COMMUNITIES RESTORING DISACCREDITED
 25 FLOOD PROTECTION SYSTEMS.—Section 1307(f) of the

1 National Flood Insurance Act of 1968 (42 U.S.C.
 2 4014(f)) is amended in the first sentence by striking “no
 3 longer does so.” and inserting the following: “no longer
 4 does so, and shall apply without regard to the level of Fed-
 5 eral funding of or participation in the construction, recon-
 6 struction, or improvement of the flood protection system.”.

7 **SEC. 6. AFFORDABILITY STUDY.**

8 Section 100236 of the Biggert-Waters Flood Insur-
 9 ance Reform Act of 2012 (Public Law 112–141; 126 Stat.
 10 957) is amended—

11 (1) in subsection (c), by striking “Not” and in-
 12 serting the following: “Subject to subsection (e),
 13 not”;

14 (2) in subsection (d)—

15 (A) by striking “Notwithstanding” and in-
 16 serting the following:

17 “(1) NATIONAL FLOOD INSURANCE FUND.—
 18 Notwithstanding”; and

19 (B) by adding at the end the following:

20 “(2) OTHER FUNDING SOURCES.—To carry out
 21 this section, in addition to the amount made avail-
 22 able under paragraph (1), the Administrator may
 23 use any other amounts that are available to the Ad-
 24 ministrator.”; and

25 (3) by adding at the end the following:

1 “(e) ALTERNATIVE.—If the Administrator deter-
 2 mines that the report required under subsection (c) cannot
 3 be submitted by the date specified under subsection (c)—

4 “(1) the Administrator shall notify, not later
 5 than 60 days after the date of enactment of this
 6 subsection, the Committee on Banking, Housing,
 7 and Urban Affairs of the Senate and the Committee
 8 on Financial Services of the House of Representa-
 9 tives of an alternative method of gathering the infor-
 10 mation required under this section;

11 “(2) the Administrator shall submit, not later
 12 than 180 days after the Administrator submits the
 13 notification required under paragraph (1), to the
 14 Committee on Banking, Housing, and Urban Affairs
 15 of the Senate and the Committee on Financial Serv-
 16 ices of the House of Representatives the information
 17 gathered using the alternative method described in
 18 paragraph (1); and

19 “(3) upon the submission of information re-
 20 quired under paragraph (2), the requirement under
 21 subsection (c) shall be deemed satisfied.”.

22 **SEC. 7. FACILITIES IN COASTAL HIGH HAZARD AREAS.**

23 (a) DEFINITIONS.—In this section—

1 (1) the term “coastal high hazard area” has the
2 same meaning as in section 9.4 of title 44, Code of
3 Federal Regulations, or any successor thereto;

4 (2) the term “eligible entity” means an entity
5 that receives a contribution under section 406 of the
6 Robert T. Stafford Disaster Relief and Emergency
7 Assistance Act (42 U.S.C. 5172);

8 (3) the term “essential to a community’s recov-
9 ery” means, with respect to a structure or facility,
10 that the structure or facility is associated with the
11 basic functions of a local government, including pub-
12 lic health and safety, education, law enforcement,
13 fire protection, and other critical government oper-
14 ations; and

15 (4) the term “major disaster” means a major
16 disaster declared by the President under section 401
17 of the Robert T. Stafford Disaster Relief and Emer-
18 gency Assistance Act (42 U.S.C. 5170).

19 (b) REGULATIONS.—

20 (1) SUBSTANTIAL IMPROVEMENTS.—Notwith-
21 standing section 9.4 of title 44, Code of Federal
22 Regulations, an action relating to a structure or fa-
23 cility located in a coastal high hazard area for which
24 an eligible entity received a contribution under sec-
25 tion 406 of the Robert T. Stafford Disaster Relief

1 and Emergency Assistance Act (42 U.S.C. 5172)
2 shall be deemed to be a “substantial improvement”
3 for purposes of part 9 of title 44, Code of Federal
4 Regulations, if—

5 (A) the action involves the replacement of
6 a structure or facility that—

7 (i) was located in the coastal high
8 hazard area before the incident that caused
9 the structure or facility to be totally de-
10 stroyed; and

11 (ii) is essential to a community’s re-
12 covery from a major disaster;

13 (B) there is no practicable alternative to
14 locating a replacement structure or facility in
15 the coastal high hazard area;

16 (C) the replacement structure or facility
17 conforms to the most recent Flood Resistant
18 Design and Construction standard issued by the
19 American Society of Civil Engineers, or any
20 more stringent standard approved by the Ad-
21 ministrator; and

22 (D) the eligible entity develops evacuation
23 and emergency response procedures to reduce
24 the risk of loss of human life and operational
25 disruption from a flood.

1 (2) RELOCATION.—

2 (A) RELOCATION REQUIRED.—The amend-
3 ments under paragraph (1) shall provide that if
4 the Administrator determines that there is a
5 practicable alternative to the original site of a
6 structure or facility described in paragraph (1)
7 that is outside the coastal high hazard area and
8 that provides better protection against the flood
9 hazard or other hazards associated with coastal
10 high hazard areas, the replacement structure or
11 facility shall be relocated to the alternative site.

12 (B) RELOCATION.—If a replacement struc-
13 ture or facility is relocated under subparagraph
14 (A), the original site for the destroyed structure
15 or facility shall be deed restricted in conform-
16 ance with part 80 of title 44, Code of Federal
17 Regulations.

18 (C) NO RELOCATION.—If a replacement
19 structure or facility is rebuilt at the same loca-
20 tion, the eligible entity shall set aside an alter-
21 native parcel of land in the coastal high hazard
22 area of equal or greater size, to be deed re-
23 stricted in conformance with part 80 of title 44,
24 Code of Federal Regulations, that the Adminis-
25 trator determines—

1 (i) provides better protection against
2 floods; or

3 (ii) promotes the restoration of nat-
4 ural and beneficial functions of coastal
5 floodplains, including protection to endan-
6 gered species, critical habitat, wetlands, or
7 coastal uses.

8 (3) APPLICABILITY.—This section shall apply
9 with respect to any major disaster declared on or
10 after the date of enactment of this Act.

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