AMENDMENT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. OFFERED BY MS. WATERS OF CALIFORNIA

[NFIP Reauthorization Act of 2019]

Page 5, line 20, strike "Director" and insert "Administrator".

Page 6, line 8, before the semicolon insert "in accordance with the requirements for eligibility in subsection (b)".

Page 23, line 16, strike "and".

Page 23, line 19, after the semicolon insert "and".

Page 23, after line 19, insert the following:

- 1 "(iii) any State government agencies 2 or subdivisions of any State government 3 that engage in floodplain management ac-4 tivities;".
 - Page 41, after line 12, insert the following:

1	SEC. 106. 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. 107. REFUND OF PREMIUMS UPON CANCELLATION OF
12	POLICY BECAUSE OF REPLACEMENT WITH
13	PRIVATE FLOOD INSURANCE.
14	Section 1306 of the National Flood Insurance Act of
15	1968 (42 U.S.C. 4013) is amended by adding at the end
16	the following new subsection:
17	"(e) Refund of Unearned Premiums for Poli-
18	CIES CANCELED BECAUSE OF REPLACEMENT WITH PRI-
19	VATE FLOOD INSURANCE.—
20	"(1) Required refund.—Subject to sub-
21	section (c), if at any time an insured under a policy
22	for flood insurance coverage for a property that is
23	made available under this title cancels such policy
24	because other duplicate flood insurance coverage for
25	the same property has been obtained from a source
26	other than the National Flood Insurance Program

1	under this title, the Administrator shall refund to
2	the former insured a portion of the premiums paid
3	for the coverage made available under this title, as
4	determined consistent with industry practice accord-
5	ing to the portion of the term of the policy that such
6	coverage was in effect, but only if a copy of declara-
7	tions page of the new policy obtained from a source
8	other than the program under this title is provided
9	to the Administrator.
10	"(2) Effective date of cancellation.—
11	For purposes of this subsection, a cancellation of a
12	policy for coverage made available under the Na-
13	tional Flood Insurance Program under this title, for
14	the reason specified in paragraph (1), shall be effec-
15	tive—
16	"(A) on the effective date of the new policy
17	obtained from a source other than the program
18	under this title, if the request for such cancella-
19	tion was received by the Administrator before
20	the expiration of the 6-month period beginning
21	on the effective date of the new policy; or
22	"(B) on the date of the receipt by the Ad-
23	ministrator of the request for cancellation, if
24	the request for such cancellation was received
25	by the Administrator after the expiration of the

1	6-month period beginning on the effective date
2	of the new policy.
3	"(3) Prohibition of Refunds for Prop-
4	ERTIES RECEIVING INCREASED COST OF COMPLI-
5	ANCE CLAIMS.—No premium amounts paid for cov-
6	erage made available under this title may be re-
7	funded pursuant to this subsection—
8	"(A) with respect to coverage for any prop-
9	erty for which measures have been implemented
10	using amounts received pursuant to a claim
11	under increased cost of compliance coverage
12	made available pursuant to section 1304(b); or
13	"(B) if a claim has been paid or is pending
14	under the policy term for which the refund is
15	sought.".

Page 52, line 4, before the period insert the following: ", 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".

Page 63, line 22, strike "and".

Page 64, line 4, strike the period, the closing quotation marks, and the semicolon and insert "; and".

Page 64, after line 4, insert the following:

1	"(F) when appropriate, consult and coordi-
2	nate with the Secretary of Defense, the Direc-
3	tor of the United States Geological Survey, and
4	the Administrator of the National Oceanic and
5	Atmospheric Administration to obtain the most
6	up-to-date maps and other information of those
7	agencies, including information relating to to-
8	pography, water flow, watershed characteristics,
9	and any other issues that are relevant to identi-
10	fying, reviewing, updating, maintaining, and
11	publishing National Flood Insurance Program
12	rate maps.";

Strike line 3 on page 88 and all that follows through page 89, line 4.

Page 89, line 20, after "amount" insert "in excess of the loss-deductible for damage to the covered structure".

Page 89, strike line 23 and all that follows through page 90, line 2, and insert the following:

13 "(9) SEVERE REPETITIVE-LOSS PROPERTY.—
14 The term 'severe repetitive-loss property' means a
15 structure that—

1	"(A) has incurred flood-related damage for
2	which—
3	"(i) 4 or more separate claims pay-
4	ments have been made under flood insur-
5	ance coverage under this title, with the
6	amount of each such claim exceeding
7	\$5,000, and with the cumulative amount of
8	such claims payments exceeding \$20,000;
9	or
10	"(ii) at least 2 separate claims pay-
11	ments have been made under flood insur-
12	ance coverage under this title, with the cu-
13	mulative amount of such claims payments
14	exceeding the value of the structure.".

Page 90, strike lines 20 through 23, and insert the following:

15	(B) in subsection $(g)(2)(B)$, by striking
16	clauses (i) and (ii) and inserting the following:
17	"(i) an extreme repetitive-loss prop-
18	erty; or
19	"(ii) a severe repetitive-loss prop-
20	erty."; and

Page 90, line 24, after the colon insert "and".

Page 90, after line 24, insert the following:

	7
1	(D) by redesignating subsection (i), as
2	added by the preceding provisions of this Act,
3	as subsection (h);
	Page 91, lines 9 and 10 strike "repetitive-loss prop-
е	erties" and insert "multiple-loss properties".
	Page 91, line 15, strike "REPETITIVE-" and insert
6	REPETITIVE-LOSS PROPERTIES AND EXTREME REPET-
I	TIVE-".
	Page 91, line 20, before the closing quotation marks
i	nsert "or extreme repetitive-loss properties".
	Page 96, line 14, strike "may" and insert "shall".
	Page 109, line 9, strike the question mark.
	Strike line 23 on page 109 and all that follows
t	hrough page 112, line 12, and insert the following:
4	SEC. 404. SHARING OF AND ACCESS TO INFORMATION.
5	(a) In General.—Section 1313 of the National
6	Flood Insurance Act of 1968 (42 U.S.C. 4020) is amend-
7	ed—
8	(1) by inserting after the section enumerator
9	the following: "(a) Availability to Public and
10	STATE AGENCIES.—"; and
11	(2) by adding at the end the following new sub-
12	sections:

1	"(b) Exchange of NFIP and Private Flood In-
2	SURANCE POLICY AND CLAIMS INFORMATION.—The Ad-
3	ministrator may provide to each private insurer that sells
4	coverage that meets, at a minimum, the definition of pri-
5	vate flood insurance under section 102(b) of the Flood
6	Disaster Protection Act of 1973 (42 U.S.C. 4012a(b)),
7	current and historical property-specific information that
8	is available to the Administration on flood insurance pro-
9	gram coverage, flood damage assessments, and payment
10	of claims, but only if the following conditions are met:
11	"(1) Each private insurer receiving such data
12	shall provide to the Administrator current and his-
13	torical property-specific information, generated
14	through the sale of the flood insurance that meets
15	such definition of private flood insurance, by the pri-
16	vate insurer on flood insurance coverage, flood dam-
17	age assessments, and payment of claims.
18	"(2) Such information obtained under para-
19	graph shall be made available as required by sub-
20	sections (c) and (d).
21	"(c) Homeowner Access to NFIP and Private
22	POLICY AND CLAIMS INFORMATION.—Upon request by
23	the current owner of a property, the Administrator shall
24	provide to the owner any current and historical informa-
25	tion available to the Administrator, including information

obtained under subsection (b)(1), on insurance coverage, 2 damage assessments, and payment of claims concerning 3 such property of the owner. In addition, the Administrator 4 shall provide information the Administrator may have on 5 whether the property owner may be required to purchase flood insurance coverage due to previous receipt of federal 6 disaster assistance, including assistance provided by the 8 Small Business Administration, the Department of Housing and Urban Development, the Federal Emergency 10 Management Agency, or any other type of assistance subject to the mandatory purchase requirement under section 12 102 of the Flood Disaster Protection Act of 1973. 13 "(d) Homebuyer Access to Flood Insurance In-FORMATION.—Notwithstanding section 552a(b) of title 5, 14 15 United States Code, not later than 14 days after a request for such information by a buyer under contract for pur-16 17 chase of a property, the Administrator shall provide to the 18 buyer the following information: 19 "(1) The number and dollar value of claims 20 filed for the property, over the life of the property, 21 under a flood insurance policy made available under 22 this title. 23 "(2) Such other available information about the 24 property as determined by the Administrator to ac-

- curately and adequately characterize the true flood risk to the property.
- 3 "(3) A notice to the recipient of the information
- 4 that the information provided may only be utilized
- 5 by the recipient alone and only for the purposes of
- 6 homebuying.".
- 7 (b) Effective Date.—Subsection (d) of section
- 8 1313 of the National Flood Insurance Act of 1968, as
- 9 added by the amendment made by subsection (a)(2) of this
- 10 section, shall take effect beginning upon the expiration of
- 11 the 12-month period that begins on the date of the enact-
- 12 ment of this Act.
- 13 SEC. 405. ELEVATION CERTIFICATES.
- 14 Chapter I of the National Flood Insurance Act of
- 15 1968 (42 U.S.C. 4011 et seq.) is amended by adding at
- 16 the end the following:
- 17 "SEC. 1326. ELEVATION CERTIFICATES.
- 18 "Surveyed elevation data and other information relat-
- 19 ing to a building that is recorded on a National Flood
- 20 Insurance Program Elevation Certificate by an individual
- 21 licensed to record that information shall continue to be
- 22 in effect, and the Elevation Certificate shall not expire,
- 23 until the date on which there is an alteration in the build-
- 24 ing.".

1	SEC. 406. LEVERAGING RISK TRANSFER OPPORTUNITIES
2	FOR A SOUND FINANCIAL FRAMEWORK.
3	(a) In General.—Subsection (e) of section 1345 of
4	the National Flood Insurance Act of 1968 (42 U.S.C.
5	4081(e)) is amended—
6	(1) by striking "(e) RISK TRANSFER.—The Ad-
7	ministrator" and inserting the following:
8	"(e) Leveraging Risk Transfer Opportunities
9	FOR A SOUND FINANCIAL FRAMEWORK.—
10	"(1) Authority.—The Administrator"; and
11	(2) by adding at the end the following:
12	"(2) Leveraging risk transfer opportuni-
13	TIES.—On an annual basis, the Administrator shall
14	evaluate ceding a portion of the risk of the flood in-
15	surance program under this title to the private rein-
16	surance or capital markets, or any combination
17	thereof, if the Administrator determines—
18	"(A) the rates and terms are reasonable
19	and appropriate; and
20	"(B) doing so would further the develop-
21	ment and maintenance of a sound financial
22	framework for the National Flood Insurance
23	Program.".
24	(b) Effective Date.—The amendments made by
25	subsection (a) shall become effective upon the expiration

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1	of the 18-month period that begins upon the date of the
2	enactment of this Act.
3	SEC. 407. WRITE-YOUR-OWN ARRANGEMENTS.
4	Section 1345 of the National Flood Insurance Act of
5	1968 (42 U.S.C. 4081) is amended by adding at the end
6	the following new subsections:
7	"(f) AUTHORITY TO TERMINATE WRITE YOUR OWN
8	Arrangements.—The Administrator may cancel any
9	Write Your Own (as such term is defined in section
10	100202(a) of the Biggert-Waters Flood Insurance Reform
11	Act of 2012 (42 U.S.C. 4004)) arrangement in its entirety
12	upon 30 days written notice to the Write Your Own com-
13	pany involved by certified mail stating one of the following
14	reasons for such cancellation—
15	"(1) Fraud or misrepresentation by the com-
16	pany after the inception of the arrangement.
17	"(2) Nonpayment to the Administrator of any
18	amount due.
19	"(3) Material failure to comply with the re-
20	quirements of the arrangement or with the written
21	standards, procedures, or guidance issued by the Ad-
22	ministrator relating to the National Flood Insurance
23	Program and applicable to the company.
24	"(g) Standardized Fee Authority.—The Admin-

25 istrator may establish and implement a standardized fee

1	schedule for all engineering services provided in connection
2	with flood insurance coverage provided under this title by
3	means of a Write Your Own arrangement.".
4	SEC. 408. STUDY ON INCREASING PARTICIPATION.
5	(a) IN GENERAL.—The Comptroller General of the
6	United States shall conduct a study that proposes to ad-
7	dress, through programmatic and regulatory changes, how
8	to increase participation in flood insurance coverage.
9	(b) Issues.—In conducting the study under sub-
10	section (a), the Comptroller General shall consider the fol-
11	lowing:
12	(1) Expanding participation in flood insurance
13	coverage, beyond areas having special flood hazards,
14	to areas of moderate or minimal flood hazard risk.
15	(2) Automatically enrolling consumers in flood
16	insurance while providing consumers the opportunity
17	to decline enrollment.
18	(3) Bundling flood insurance coverage that di-
19	versifies risk across all or multiple-peril forms.
20	(c) Determinations.—In conducting the study
21	under subsection (a), the Comptroller General shall deter-
22	mine the following:
23	(1) The percentage of properties with federally
24	backed mortgages located in an area having special
25	flood hazards that are covered by flood insurance

1	that satisfies the requirement under section $102(b)$
2	of the Flood Disaster Protection Act of 1973 (42
3	U.S.C. 4012a(b)).
4	(2) The percentage of properties with federally
5	backed mortgages located in the 500-year floodplain
6	that are covered by flood insurance that would sat-
7	isfy the requirement described in paragraph (1) if
8	that requirement applied to such properties.
9	(d) Report.—Not later than 18 months after the
10	date of enactment of this Act, the Comptroller General
11	of the United States shall submit a report on the study
12	conducted under subsection (a) to the Committee on Fi-
13	nancial Services of the House of Representatives and the
14	Committee on Banking, Housing, and Urban Affairs of
15	the Senate.
16	(e) Definitions.—For purposes of this section—
17	(1) the term "500-year floodplain" has the
18	meaning given the term in section 100202(a) of the
19	Biggert-Waters Flood Insurance Reform Act of
20	2012 (40 U.S.C. 4004(a));
21	(2) the terms "Federal agency lender", "im-
22	proved real estate", and "regulated lending institu-
23	tion" have the meanings given such terms in section
24	3(a) of the Flood Disaster Protection Act of 1973
25	(42 U.S.C. 4003(a)); and

I	(3) the term "property with a federally backed
2	mortgage" means improved real estate or a mobile
3	home securing a loan that was—
4	(A) made by a regulated lending institu-
5	tion or Federal agency lender; or
6	(B) purchased by the Federal National
7	Mortgage Association or the Federal Home
8	Loan Mortgage Corporation.

