

[DISCUSSION DRAFT]

116TH CONGRESS
1ST SESSION

H. R. _____

To [to be provided].

IN THE HOUSE OF REPRESENTATIVES

M____, _____ introduced the following bill; which was referred to the
Committee on _____

A BILL

To [to be provided].

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the [_____ Act of
5 2019].

6 **SEC. 2. INCREASED COST OF COMPLIANCE COVERAGE.**

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

1 (1) in paragraph (4), by redesignating subpara-
2 graphs (A) through (D) as clauses (i) through (iv),
3 respectively;

4 (2) by redesignating paragraphs (1) through
5 (3) as subparagraphs (A) through (C), respectively;

6 (3) in subparagraph (C) as so redesignated, by
7 striking the period at the end and inserting a semi-
8 colon;

9 (4) by redesignating paragraph (4) as subpara-
10 graph (E);

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

13 “(D) properties identified by the Adminis-
14 trator as priorities for mitigation activities be-
15 fore the occurrence of damage to or loss of
16 property which is covered by flood insurance;
17 and”;

18 (6) by inserting before “The national flood in-
19 surance program” the following: “(1) IN GEN-
20 ERAL.—”;

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

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

24 (8) by adding at the end the following new
25 paragraphs:

1 “(3) AMOUNT OF COVERAGE.—Each policy for flood
2 insurance coverage made available under this title shall
3 provide coverage under this subsection having an aggre-
4 gate liability for any single property of \$60,000.

5 “(4) ELIGIBLE MITIGATION ACTIVITIES.—Eligible
6 mitigation methods the cost of which is covered by cov-
7 erage provided under this subsection shall include—

8 “(A) alternative methods of mitigation identi-
9 fied in the guidelines issued pursuant to section
10 1361(d);

11 “(B) pre-disaster mitigation; and

12 “(C) costs of acquiring real property.

13 “(5) TREATMENT OF COVERAGE LIMITS.—Any
14 amount of coverage for a property provided pursuant to
15 this subsection shall not be considered or counted for pur-
16 poses of any limitation on coverage applicable to such
17 property under section 1306(b) (42 U.S.C. 4013(b)) and
18 any claim on such coverage shall not be considered a claim
19 for purposes of section 1307(h) or subsection (a)(3) or
20 (h)(3) of section 1366.”.

21 **SEC. 3. REPETITIVE LOSS.**

22 Section 1361 of the National Flood Insurance Act of
23 1968 (42 U.S.C. 4102) is amended by adding at the end
24 the following new subsection:

1 “(e) REPEATEDLY FLOODED AREAS.—In making de-
2 terminations regarding financial assistance under the au-
3 thorities of this Act, the Administrator may consider the
4 extent to which a community is working to remedy prob-
5 lems with addressing repeatedly flooded areas.”.

6 **SEC. 4. PREMIUM RATES FOR CERTAIN MITIGATED PROP-**
7 **ERTIES.**

8 (a) MITIGATION STRATEGIES.—Paragraph (1) of sec-
9 tion 1361(d) of the National Flood Insurance Act of 1968
10 (42 U.S.C. 4102(d)(1)) is amended—

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

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

15 (3) by inserting after subparagraph (B) the fol-
16 lowing new subparagraphs:

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

20 “(D) elevation of mechanical systems;
21 and”.

22 (b) MITIGATION CREDIT.—Subsection (k) of section
23 1308 of the National Flood Insurance Act of 1968 (42
24 U.S.C. 4015(k)) is amended—

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

3 “(1) take into account”;

4 (2) in paragraph (1), as so designated by the
5 amendment made by paragraph (1) of this sub-
6 section, by striking the period at the end and insert-
7 ing “; and”; and

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

10 “(2) offer a reduction of the risk premium rate
11 charged to a policyholder, as determined by the Ad-
12 ministrator, if the policyholder implements any miti-
13 gation method described in paragraph (1).”.

14 **SEC. 5. COVERAGE FOR COOPERATIVES.**

15 (a) EQUAL TREATMENT WITH CONDOMINIUMS.—
16 Section 1306 of the National Flood Insurance Act of 1968
17 (42 U.S.C. 4013) is amended by adding at the end the
18 following:

19 “(e) COOPERATIVE BUILDINGS.—Notwithstanding
20 any other provision of law, the Administrator shall make
21 flood insurance coverage available to any individual with
22 a membership interest and occupancy agreement in a co-
23 operative housing project on the same terms as any owner
24 of a condominium.”.

1 (b) PAYMENT OF CLAIMS.—Section 1312 of the Na-
2 tional Flood Insurance Act of 1968 (42 U.S.C. 4019) is
3 amended—

4 (1) in subsection (c)—

5 (A) by striking “flood insurance to condo-
6 minium owners” and inserting the following:
7 “flood insurance—

8 “(1) to condominium owners”; and

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

11 (C) by adding at the end the following:

12 “(2) to individuals with a membership interest
13 and occupancy agreement in a cooperative housing
14 project who purchased such flood insurance separate
15 and apart from the flood insurance purchased by the
16 cooperative association in which such individual is a
17 member, based solely, or in any part, on the flood
18 insurance coverage of the cooperative association or
19 others on the overall property owned by the coopera-
20 tive association.”; and

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

22 “(d) DEFINITIONS.—For purposes of this section and
23 section 1306(e), the terms ‘cooperative association’ and
24 ‘cooperative housing project’ shall have such meaning as
25 the Secretary shall provide.”.

1 **SEC. 6. VOLUNTARY COMMUNITY-BASED FLOOD INSUR-**
2 **ANCE PILOT PROGRAM.**

3 (a) ESTABLISHMENT.—The Administrator of the
4 Federal Emergency Management Agency (in this section
5 referred to as the “Administrator”) may carry out a com-
6 munity-based flood insurance pilot program to make avail-
7 able, for purchase by participating communities, a single,
8 community-wide flood insurance policy under the National
9 Flood Insurance Program that—

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

12 (2) satisfies, for all such properties within the
13 community, the mandatory purchase requirements
14 under section 102 of the Flood Disaster Protection
15 Act of 1973 (42 U.S.C. 4012a).

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

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

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

26 (2) A cap on premiums.

1 (3) A deductible.

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

4 (5) A community audit.

5 (6) The Community Rating System under sec-
6 tion 1315(b) of the National Flood Insurance Act of
7 1968 (42 U.S.C. 4022(b)).

8 (7) A method of preventing redundant claims
9 payments by the National Flood Insurance Program
10 in the case of a claim by an individual property
11 owner who is covered by a community-wide flood in-
12 surance policy and an individual policy obtained
13 through the Program.

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

18 (d) TIMING.—The Administrator may establish the
19 demonstration program under this section not later than
20 the expiration of the 180-day period beginning on the date
21 of the enactment of this Act and the program shall termi-
22 nate on September 30, 2022.

23 (e) DEFINITION OF COMMUNITY.—For purposes of
24 this section, the term “community” means any unit of

1 local government, within the meaning given such term
2 under the laws of the applicable State.

3 **SEC. 7. MITIGATION FUNDING.**

4 For each of the first 5 fiscal years beginning after
5 following the date of the enactment of this Act, there is
6 authorized to be appropriated \$2000,000,000 to carry out
7 the predisaster hazard mitigation program under section
8 203 of the Robert T. Stafford Disaster Assistance and
9 Emergency Relief Act (2 U.S.C. 5133).

10 **SEC. 8. COMMUNITY RATING SYSTEM IMPROVEMENTS.**

11 (a) PROVISION OF COMMUNITY RATING SYSTEM
12 PREMIUM CREDITS TO MAXIMUM NUMBER OF COMMU-
13 NITIES PRACTICABLE.—Subsection (b) of section 1315 of
14 the National Flood Insurance Act of 1968 (42 U.S.C.
15 4022(b)) is amended—

16 (1) in paragraph (2), by striking “may” and in-
17 serting “shall”; and

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

22 (b) GRANTS FOR COMMUNITY RATING SYSTEM PRO-
23 GRAM COORDINATORS.—Section 1315 of the National
24 Flood Insurance Act of 1968 (42 U.S.C. 4022) is amended
25 by adding at the end the following new subsection:

1 “(c) GRANTS FOR COMMUNITY RATING SYSTEM PRO-
2 GRAM COORDINATORS.—

3 “(1) AUTHORITY.—The Administrator shall
4 carry out a program to make grants to consortia of
5 States and communities for use only for costs of em-
6 ploying or otherwise retaining an individual or indi-
7 viduals to coordinate and carry out responsibilities
8 relating to participation in the community rating
9 system program under subsection (b) for States and
10 communities that are members of such consortia.

11 “(2) ELIGIBILITY.—The Administrator shall es-
12 tablish such criteria as the Administrator considers
13 appropriate for a consortium of States and commu-
14 nities to be eligible for grants under this subsection,
15 which shall include requiring a consortium to provide
16 evidence to the Administrator that the consortium
17 has sufficient authority and administrative capability
18 to use grant amounts in accordance with this sub-
19 section on behalf of its member jurisdictions.

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

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

5 “(A) the evidence referred to in paragraph
6 (2);

7 “(B) such assurances as the Administrator
8 shall require to ensure compliance with the re-
9 quirement under paragraph (3);

10 “(C) such assurances as the Administrator
11 shall require to ensure that the consortia will
12 provide funding sufficient to continue the posi-
13 tion or positions funded with the grant
14 amounts, in the same annual amount as under
15 such grant funding, after such grant funds are
16 expended; and

17 “(D) such other information as the Admin-
18 istrator may require.

19 “(5) SELECTION.—From among eligible con-
20 sortia of States and communities submitting applica-
21 tions pursuant to paragraph (3), the Administrator
22 shall select consortia to receive grants under this
23 subsection in accordance with such competitive cri-
24 teria for such section as the Administrator shall es-
25 tablish.

1 “(6) DEFINITION OF COMMUNITY.—For pur-
2 poses of this section, the term ‘community’ has the
3 meaning given such term in section 1366(h) (42
4 U.S.C. 4104e(h)), except that such term includes
5 counties and regional planning authorities that do
6 not have zoning and building code jurisdiction.

7 “(7) AUTHORIZATION OF APPROPRIATIONS.—
8 There is authorized to be appropriated for grants
9 under this subsection—

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

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

16 **SEC. 9. COMMUNITY ASSISTANCE PROGRAM FOR EFFEC-**
17 **TIVE FLOODPLAIN MANAGEMENT.**

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

21 **“SEC. 1326. COMMUNITY ASSISTANCE PROGRAM FOR EF-**
22 **FFECTIVE FLOODPLAIN MANAGEMENT.**

23 “(a) IN GENERAL.—The Administrator shall estab-
24 lish a community assistance program under this section
25 to increase the capacity and capability of States, Indian

1 tribes, and communities to effectively manage flood risk
2 and participate in the national flood insurance program,
3 including the community rating system program under
4 section 1315(b), by providing financial and technical as-
5 sistance to States, tribes and communities.

6 “(b) COMPONENTS.—The community assistance pro-
7 gram under this program shall include—

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

10 “(2) conducting periodic assessments, not less
11 often than once every 5 years, of the technical as-
12 sistance and training needs of States, Indian tribes,
13 and communities;

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

17 “(4) conducting periodic reviews of State, In-
18 dian tribe, and community floodplain management
19 standards by the Administrator to promote contin-
20 uous improvement in building and maintaining effec-
21 tive State floodplain management programs (as such
22 term is defined in subsection (d));

23 “(5) conducting periodic estimates of the losses
24 avoided nationally due to the adoption of qualifying

1 floodplain management standards by States, Indian
2 tribes and communities;

3 “(6) in coordination with each State receiving a
4 grant under subsection (c), developing and executing
5 a strategy to—

6 “(A) provide technical and financial assist-
7 ance to communities, including small and rural
8 communities, and Indian tribes within the
9 State; and

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

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

15 “(c) COMMUNITY ASSISTANCE GRANTS TO
16 STATES.—

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

20 “(A) to increase the capacity and capa-
21 bility of the State and communities and Indian
22 tribes in the State to effectively manage flood
23 risk and to fully participate in the national
24 flood insurance program, including the commu-
25 nity rating system program; and

1 “(B) for activities related to implementa-
2 tion, administration, oversight, and enforcement
3 of the national flood insurance program at the
4 State and local and tribal levels.

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

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

11 “(A) demonstrate, to the satisfaction of
12 the Administrator, that the State has in effect
13 qualifying State floodplain management stand-
14 ards for the State;

15 “(B) agree to submit such reports, certifi-
16 cations, and information to the Administrator
17 as the Administrator shall require, including
18 those required under paragraph (5); and

19 “(C) meet any additional eligibility require-
20 ments as the Administrator may require.

21 “(4) APPLICATION; SELECTION CRITERIA.—The
22 Administrator shall provide for States to submit ap-
23 plications for grants under this subsection, which
24 shall include such information, assurances, and cer-
25 tifications as the Administrator may require, and

1 may establish criteria for selection of qualifying ap-
2 plications to be selected for grants under this sub-
3 section.

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

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

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

16 “(2) QUALIFYING STATE FLOODPLAIN MANAGE-
17 MENT STANDARDS.—The term ‘qualifying State
18 floodplain management standards’ means the flood-
19 plain management standards of a State that—

20 “(A) are specifically authorized under
21 State law and do not conflict with or inhibit the
22 implementation of the National Flood Insur-
23 ance Act of 1968;

1 “(B) designate an entity responsible for co-
2 ordinating the national flood insurance program
3 in the State;

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

6 “(D) address on a long-term basis—

7 “(i) integration of floodplain manage-
8 ment activities with other State functions
9 and activities;

10 “(ii) identification of flood hazards;

11 “(iii) management of natural flood-
12 plain functions and resources;

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

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

17 “(vi) strategies for informing commu-
18 nities and citizens about flood risk and
19 mitigation options; and

20 “(vii) measures for evaluating the ef-
21 fectiveness of State floodplain management
22 efforts;

23 “(E) include a long-term plan that will fa-
24 cilitate the prioritization and provision of train-
25 ing and technical assistance to communities and

1 Indian tribes in the State to increase local and
2 tribal capacity and capability for floodplain
3 management, including the capacity and capa-
4 bility to participate in the national flood insur-
5 ance program and the community rating system
6 program;

7 “(F) provide for oversight, administration
8 and enforcement of the national flood insurance
9 program at the State and community levels;
10 and

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

13 “(e) FUNDING.—

14 “(1) AUTHORIZATION OF APPROPRIATIONS.—

15 There is authorized to be appropriated \$20,000,000
16 for each of fiscal years 2019 through 2024 for the
17 National Flood Insurance Fund for carrying out this
18 section. Any amounts appropriated pursuant to this
19 subsection shall remain available until expended.

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

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

1 “(B) for additional assistance only for
2 States exceeding the goals established pursuant
3 to subsection (b)(8).”.

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

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

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

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

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