

**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 fol-
lowing: “, 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 sec-
tion”.

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 struc-
ture”.

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—

6

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:

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-
erties” and insert “multiple-loss properties”.

Page 91, line 15, strike “REPETITIVE-” and insert
“REPETITIVE-LOSS PROPERTIES AND EXTREME REPET-
ITIVE-”.

Page 91, line 20, before the closing quotation marks
insert “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
through 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

1 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
6 flood insurance coverage due to previous receipt of federal
7 disaster assistance, including assistance provided by the
8 Small Business Administration, the Department of Hous-
9 ing and Urban Development, the Federal Emergency
10 Management Agency, or any other type of assistance sub-
11 ject 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-
14 FORMATION.—Notwithstanding section 552a(b) of title 5,
15 United States Code, not later than 14 days after a request
16 for such information by a buyer under contract for pur-
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-

1 curately and adequately characterize the true flood
2 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

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

15

1 (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.

