

113TH CONGRESS
1ST SESSION

S. 1098

To reform the Biggert-Waters Flood Insurance Reform Act of 2012 to responsibly protect homeownership.

IN THE SENATE OF THE UNITED STATES

JUNE 6, 2013

Mr. VITTER (for himself and Mr. COCHRAN) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To reform the Biggert-Waters Flood Insurance Reform Act of 2012 to responsibly protect homeownership.

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 “Responsible Implemen-
5 tation of Flood Insurance Reform Act of 2013”.

1 **SEC. 2. CLARIFICATION ON APPLICATION OF CERTAIN PRE-**
2 **MIUM ADJUSTMENTS UNDER THE BIGGERT-**
3 **WATERS FLOOD INSURANCE REFORM ACT OF**
4 **2012.**

5 (a) CLARIFICATION.—Section 1308(h) of the Na-
6 tional Flood Insurance Act of 1968 (42 U.S.C. 4015(h))
7 is amended—

8 (1) by striking “Notwithstanding” and insert-
9 ing “(1) IN GENERAL.—Notwithstanding”; and

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

11 “(2) APPLICABILITY.—The requirements under
12 paragraph (1) shall only apply with respect to any
13 property located in an area—

14 “(A) that is participating in the national
15 flood insurance program; and

16 “(B) for which the Administrator has pub-
17 lished in the Federal Register projected base
18 flood elevations and designations of areas hav-
19 ing special flood hazards under section 1363(a)
20 on or after December 31, 2013.”.

21 (b) EFFECTIVE DATE.—The amendments made by
22 subsection (a) shall take effect as if enacted as part of
23 the Biggert-Waters Flood Insurance Reform Act of 2012
24 (Public Law 112–141; 126 Stat. 916).

1 **SEC. 3. PHASE-IN OF ACTUARIAL RATES FOR NEWLY PUR-**
2 **CHASED HOMES.**

3 (a) IN GENERAL.—Section 1308(e) of the National
4 Flood Insurance Act of 1968 (42 U.S.C. 4015(e)) is
5 amended—

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

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

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

11 “(3) not subject to the phase-in requirement
12 under paragraph (2), which are sold on or after the
13 date of enactment of the Biggert-Waters Flood In-
14 surance Reform Act of 2012, and notwithstanding
15 the requirements of section 1307(g), shall be in-
16 creased by 20 percent each year, beginning in the
17 year after the first such sale, until the average risk
18 premium rate for such properties is equal to the av-
19 erage of the risk premium rates for properties de-
20 scribed in paragraph (1).”.

21 (b) EFFECTIVE DATE.—The amendments made by
22 subsection (a) shall take effect as if enacted as part of
23 the Biggert-Waters Flood Insurance Reform Act of 2012
24 (Public Law 112–141; 126 Stat. 916).

1 **SEC. 4. LOCAL CHOICE TO PROTECT HOMEOWNERS.**

2 The National Flood Insurance Act of 1968 (42
3 U.S.C. 4001 et seq.) is amended by inserting after section
4 1308 the following:

5 **“SEC. 1308A. STATE AND LOCAL GOVERNMENT FLEXI-**
6 **BILITY.**

7 “(a) IN GENERAL.—The Administrator shall estab-
8 lish a means by which a State or local government may,
9 on its own accord or in conjunction with other State or
10 local governments, submit such payments to the Adminis-
11 trator as are necessary to fully cover the cost of any pre-
12 mium for any property within the jurisdiction of the State
13 or local government.

14 “(b) RISK PREMIUM RATE.—The Administrator shall
15 require that the amount of any payment from a State or
16 local government under subsection (a) be consistent with
17 sections 1307 and 1308.”.

18 **SEC. 5. MITIGATION ASSISTANCE FOR HOMEOWNERS.**

19 Section 404 of the Robert T. Stafford Disaster Relief
20 and Emergency Assistance Act (42 U.S.C. 5170c) is
21 amended by adding at the end the following:

22 “(f) SPECIAL PROVISION RELATING TO FLOOD MITI-
23 GATION.—

24 “(1) DEFINITION.—In this subsection, the term
25 ‘eligible property’ means—

26 “(A) a property—

1 “(i) described in paragraph (1) or (2)
2 of section 1307(g) of the National Flood
3 Insurance Act of 1968 (42 U.S.C.
4 4014(g));

5 “(ii) for which a policy under the
6 flood insurance program has lapsed in cov-
7 erage, as a result of the deliberate choice
8 of the holder of such policy, as described in
9 paragraph (3) of section 1307(g) of the
10 National Flood Insurance Act of 1968 (42
11 U.S.C. 4014(g)); or

12 “(iii) with respect to which a prospec-
13 tive insured refuses to accept any offer for
14 mitigation assistance by the Administrator
15 of the Federal Emergency Management
16 Agency (including an offer to relocate), as
17 described in paragraph (4) of section
18 1307(g) of the National Flood Insurance
19 Act of 1968 (42 U.S.C. 4014(g)); and

20 “(B) a property for which the risk pre-
21 mium rate for flood insurance coverage under
22 the National Flood Insurance Program in-
23 creases under section 1308(h) of the National
24 Flood Insurance Act of 1968 (42 U.S.C.
25 4015(h)) on or after July 6, 2012.

1 “(2) MITIGATION AGAINST FUTURE FLOOD-
2 ING.—In providing hazard mitigation assistance
3 under this section in connection with flooding, the
4 Administrator of the Federal Management Agency
5 shall ensure that not less than 25 percent of the es-
6 timated aggregate amount of such assistance pro-
7 vided to a grant recipient is used to elevate, acquire,
8 or relocate eligible properties, to the extent that eli-
9 gible properties exist within the jurisdiction of the
10 grant recipient.”.

11 **SEC. 6. CONSTRUCTION AND RESTORATION OF FLOOD PRO-**
12 **TECTION SYSTEMS.**

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. 7. APPROPRIATE CREDIT FOR FLOOD CONTROL**
8 **STRUCTURES.**

9 Section 1360 of the National Flood Insurance Act of
10 1968 (42 U.S.C. 4101) is amended by adding at the end
11 the following:

12 “(k) **ACTUAL PROTECTION PROVIDED BY LEVEE**
13 **SYSTEMS.**—The Administrator may not issue a flood in-
14 surance rate map or an update to a flood insurance rate
15 map for an area unless—

16 “(1) the flood insurance rate map or update
17 adequately reflects the protection provided by any
18 levee system in the area against the base flood, re-
19 gardless of the accreditation status of the levee sys-
20 tem under section 65.10 of title 44, Code of Federal
21 Regulations, or any successor thereto; or

22 “(2) the community in which any levee system
23 in the area is located elects not to provide the data
24 necessary for the Administrator to issue a flood in-
25 surance rate map or update that adequately reflects

- 1 the protection provided by the levee system against
- 2 the base flood.”.

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