

PROVIDING FOR CONSIDERATION OF H.R. 4973, FLOOD
INSURANCE REFORM AND MODERNIZATION ACT OF 2006

JUNE 26, 2006.—Referred to the House Calendar and ordered to be printed

Mr. SESSIONS, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 891]

The Committee on Rules, having had under consideration House Resolution 891, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 4973, Flood Insurance Reform and Modernization Act of 2006, under a structured rule. The rule provides one hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services. The rule waives all points of order against consideration of the bill.

The rule makes in order only those amendments printed in this report. The rule provides that the amendments printed in this report may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in this report.

Finally, the rule provides one motion to recommit with or without instructions.

EXPLANATION OF WAIVERS

The Committee is not aware of any points of order against consideration of the bill. The waiver of all points of order against consideration of the bill is prophylactic in nature.

COMMITTEE VOTES

Pursuant to clause 3(b) of House rule XIII the results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee Record Vote No. 228

Date: June 26, 2006.

Measure: H.R. 4973, Flood Insurance Reform and Modernization Act of 2006.

Motion by: Mrs. Matsui.

Summary of motion: To make in order and provide the appropriate waivers for the amendment offered by Mrs. Matsui, which proposes a grant program that would serve to educate property owners of their risk to flood in a way that would increase participation and retention in the NFIP, while benefiting the NFIP's bottom line. Creates a competitive grant program for local floodplain managers to partner with the Federal government to conduct outreach and educate homeowners in high risk flood areas that have been released from the Federal flood insurance requirement. These grants could also be used to inform renters and small business owners of the content coverage available under NFIP, further increasing awareness participation in the NFIP.

Results: Defeated 4 to 7.

Vote by Members: Diaz-Balart—Nay; Hastings (WA)—Nay; Sessions—Nay; Putnam—Nay; Capito—Nay; Cole—Nay; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Matsui—Yea; Dreier—Nay.

SUMMARY OF AMENDMENTS MADE IN ORDER

1. Oxley (OH)/Baker (LA)—10 minutes: Manager's Amendment. Contains a number of technical and conforming changes, including: clarification that the provisions governing the phasing-in of actuarial rates for nonresidential and non-primary residence properties will apply on the date on which the director of FEMA submits a required report to Congress, as opposed to the date of this legislation's enactment; clarification that the \$1 million cap on penalties for non-enforcement of mandatory flood insurance purchase requirements will not apply to a regulated institution or enterprise, for a calendar year, if in any 3 of the past 5 calendar years that institution or enterprise was assessed a penalty of \$1 million; clarifications regarding the requirements for states to request FEMA participation in state-run disaster claims mediation programs and certain other provisions of the bill related to the claims mediation process; clarification of the timeline for FEMA's inclusion of certain features on updated floodplain maps; and

2. Burton (IN)/Stark (CA)—10 minutes: Codifies existing notification regulations and further requires written notification, by first-class mail, to each property owner affected by a proposed change in flood elevations, prior to the 90-day appeal period. Notification would include an explanation of the appeal process and contact information for responsible officials.

3. Garrett (NJ)—10 minutes: Requires any purchaser of a pre-firm primary residential home to pay phased-in actuarial flood insurance prices using the same phase-in structure that non-residen-

tial and non-primary homes are currently subject to in the legislation, after the enactment of the bill.

4. Taylor, Gene (MS)—10 minutes: Instructs the Inspector General of DHS to conduct an investigation of the Hurricane Katrina damage claims adjusted by the insurance companies that contract with the National Flood Insurance Program under the “Write-Your-Own” program to determine whether, and to what extent, the companies improperly assigned damages to flooding covered by NFIP that should have been paid by the windstorm coverage provided by the insurance companies. The Inspector General would be required to report the findings to Congress no later than six months after enactment.

5. Jackson-Lee (TX)—10 minutes: Adds a provision into the GAO study on the status of the national flood insurance program for certain pre-FIRM properties that seeks to identify any inconsistencies in eligibility standards for pre- FIRM coverage.

6. Pickering (MS)—10 minutes: Corrects an inequity in current law by exempting all purchases or transfers of property by any means, and not just purchases via a loan as under current law, from the 30-day waiting period for purposes of flood insurance coverage.

7. Matsui (CA)—10 minutes: Amends Section 16 of the bill to ensure that, when practical, FEMA utilizes emerging weather forecasting technologies in updating its flood maps. This will ensure that FEMA has the highest quality information when it works to determine the level of risk for vulnerable geographies. This language would not impose any additional financial mandates on the NFIP. It would just make sure the program has the best information possible, while emphasizing the importance of this emerging technology.

8. Johnson, Eddie Bernice (TX)—10 minutes: Creates a program to educate the communities about the update to the flood insurance program rate map.

9. Matsui (CA)/Hinojosa (TX)/Green, Gene (TX)—10 minutes: Directs GAO to conduct a study on potential methods, practices and incentives that would increase the degree to which low-income property owners living in high-risk locations participate in the national flood insurance program. This study should be reported to Congress no later than 1 year after enactment of this legislation.

10. Ruppertsberger (MD)—10 minutes: Requires the FEMA Director to issue regulations and revise materials that are provided to policy holders using “plain language” and “easy to understand terms and concepts.”

11. Jindal (LA)—10 minutes: Clarifies that “demolish and rebuild” should be a mitigation option available under the regular Flood Mitigation Assistance (FMA) program. The “demolish and rebuild” option is specifically allowed under the Severe Repetitive Loss Program created by the 2004 reform act and FEMA has interpreted the difference to mean it cannot approve the measure under FMA.

12. Davis, Jo Ann (VA)—10 minutes: Directs FEMA to utilize “a methodologically valid approach for sampling files selected for operational reviews and quality assurance claims reinspections.” A 2005 GAO study highlighted FEMA’s oversight failures, stating that, “FEMA cannot . . . determine the overall accuracy of claims

settled for specific flood events or assess the overall performance of insurance companies and their adjusters in fulfilling their responsibilities for the NFIP” (GAO–06–183T National Flood Insurance Program). Improves the oversight and accountability of the National Flood Insurance Program (NFIP).

13. Davis, Jo Ann (VA)—10 minutes: Extends the proof of loss filing deadline to 180 days and would prohibit NFIP from denying claims solely for failing to meet the deadline and make this change retroactive to September 18, 2003.

14. Rohrabacher (CA)—10 minutes: Provides that, in a case in which a Federally funded flood control project causes an area to become at greater risk of flooding than it otherwise would have been, residents in that area shall be provided flood insurance using the price formula that would have applied had the offending flood control project not been built, or if no flood insurance would otherwise have been required, they shall be provided flood insurance at no cost. The determination of this status would be made by the Director of the National Flood Insurance Program.

15. Pearce (NM)—10 minutes: Immediately ends all flood insurance subsidies on nonresidential, vacation and second homes.

16. Miller, Candice (MI)—10 minutes: Instructs the director of the National Flood Insurance Program, upon the completion of the IJC Study of the Upper Great Lakes, to request the Army Corps of Engineers to complete a new flood map for the region to help the NFIP develop 100 year and 500 year flood plains. Also prohibits flood evaluations in the upper Great Lakes to be increased until the aforementioned is completed.

TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE OXLEY OF OHIO, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 9, strike lines 9 and 10 and insert “the submission to the Congress, by the Director of the Federal Emergency Management Agency, of the report required under”.

Page 9, line 17, strike “date of the enactment of this Act” and insert “effective date under paragraph (1) of this subsection”.

Page 10, line 10, strike “date of the enactment of this Act” and insert “effective date under paragraph (1) of this subsection”.

Page 10, line 18, after “Section 1306(c)(1)” insert “of the National Flood Insurance Act of 1968 (42 U.S.C. 4013(c)(1))”.

Page 11, line 2, after “\$1,000,000” (and before the close quotation marks) insert the following: “; except that such limitation shall not apply to a regulated lending institution or enterprise for a calendar year if, in any three (or more) of the five calendar years immediately preceding such calendar year, the total amount of penalties assessed under this subsection against such lending institution or enterprise was \$1,000,000”.

Strike line 20 on page 15 and all that follows through line 8 on page 16 and insert the following:

“(a) REQUIREMENT TO PARTICIPATE.—In the case of the occurrence of a natural catastrophe that may have resulted in flood damage covered by insurance made available under the National Flood Insurance Program and a loss covered by personal lines residential property insurance policy, upon request made by the insur-

ance commissioner of a State (or such other official responsible for regulating the business of insurance in the State) for the participation of representatives of the Director in a program sponsored by such State for nonbinding mediation of insurance claims resulting from a natural catastrophe, the Director shall cause such representatives to participate in such State program, when claims under the national flood insurance program are involved, to expedite settlement of flood damage claims resulting from such catastrophe.”

Page 17 lines 4 through 6, strike “Adjusters representing the national flood insurance program who participate pursuant to subsection (b)(1)” and insert “Representatives of the Director who participate pursuant to this section”.

Page 17, line 12, strike the quotation marks and the last period.

Page 17, after line 12 insert the following:

“(d) MEDIATION PROCEEDINGS AND PRIVILEGED DOCUMENTS.—As a condition of the participation of representatives of the Director pursuant to this section in State-sponsored mediation, all statements made and documents produced pursuant to such mediation involving representatives of the Director shall be deemed privileged and confidential settlement negotiations made in anticipation of litigation.

“(e) EFFECT OF PARTICIPATION ON LIABILITY, RIGHT, AND OBLIGATIONS.—Participation of representatives of the Director pursuant to this section in State-sponsored mediation shall not affect or expand the liability of any party in contract or in tort, nor shall it affect the rights or obligations of the parties as provided in the Standard Flood Insurance Policy under the national flood insurance program, regulations of the Federal Emergency Management Agency, this Act, or Federal common law.

“(f) EXCLUSIVE FEDERAL JURISDICTION.—Participation of representatives of the Director pursuant to this section in State-sponsored mediation shall not alter, change or modify the original exclusive jurisdiction of United States courts as provided in this Act.

“(g) COST LIMITATION.—Nothing in this section shall be construed to require the Director or representatives of the Director to pay additional mediation fees relating to flood claims associated with a State-sponsored mediation program in which representatives of the Director participate.

“(h) EXCEPTION.—In the case of the occurrence of a natural catastrophe that results in flood damage claims under the national flood insurance program and does not result in any loss covered by a personal lines residential property insurance policy—

“(1) this section shall not apply; and

“(2) the provisions of the Standard Flood Insurance Policy under the national flood insurance program and the appeals process established pursuant to section 205 of the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 (Public Law 108–264; 118 Stat. 726) and regulations issued pursuant to such section shall apply exclusively.

“(i) REPRESENTATIVES OF DIRECTOR.—For purposes of this section, the term ‘representatives of the Director’ means representatives of the national flood insurance program who participate in the appeals process established pursuant to section 205 of the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004

(Public Law 108–264; 118 Stat. 726) and regulations issued pursuant to such section.”.

Page 15, line 5, strike “\$18,500,000,000” and insert “\$20,775,000,000”.

Page 24, line 22, before “REVIEW” insert “ONE-TIME”.

Strike line 24 on page 24 and all that follows through line 2 on page 25 and insert the following:

(2) REQUIRED REVISION.—The Director of the

Page 25, line 8, after the period insert the following: “The revisions and updating under this paragraph shall not be subject to the requirements of section 1360(k) of the National Flood Insurance Act of 1968 (as added by subsection (a) of this section).”.

Strike line 8 on page 28 and all that follows through line 2 on page 29 and insert the following:

(d) POST-DISASTER FLOOD ELEVATION DETERMINATIONS.—Section 1361 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsection:

“(1) INTERIM POST-DISASTER FLOOD ELEVATIONS.—

“(1) AUTHORITY.—Notwithstanding any other provision of this section or section 1363, the Director may, after any flood-related disaster, establish by order interim flood elevation requirements for purposes of the national flood insurance program for any areas affected by such flood-related disaster.

“(2) EFFECTIVENESS.—Such interim elevation requirements for such an area shall take effect immediately upon issuance and may remain in effect until the Director establishes new flood elevations for such area in accordance with section 1363 or the Director provides otherwise.”.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BURTON OF INDIANA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 29, after line 2, insert the following new section:

SEC. 17. NOTIFICATION AND APPEAL OF MAP CHANGES; NOTIFICATION OF ESTABLISHMENT OF FLOOD ELEVATIONS.

Section 1363 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104) is amended by striking the section designation and all that follows through the end of subsection (a) and inserting the following:

“SEC. 1363. (a) In establishing projected flood elevations for land use purposes with respect to any community pursuant to section 1361, the Director shall first propose such determinations—

“(1) by providing the chief executive officer of each community affected by the proposed elevations, by certified mail, with a return receipt requested, notice of the elevations, including a copy of the maps for the elevations for such community and a statement explaining the process under this section to appeal for changes in such elevations;

“(2) by causing notice of such elevations to be published in the Federal Register, which notice shall include information sufficient to identify the elevation determinations and the communities affected, information explaining how to obtain copies of the elevations, and a statement explaining the process under this section to appeal for changes in the elevations;

“(3) by publishing the elevations in a prominent local newspaper; and

“(4) by providing written notification, by first class mail, to each owner of real property affected by the proposed elevations of—

“(A) the status of such property, both prior to and after the effective date of the proposed determination, with respect to flood zone and flood insurance requirements under this Act and the Flood Disaster Protection Act of 1973;

“(B) the process under this section to appeal a flood elevation determination; and

“(C) the mailing address and phone number of a person the owner may contact for more information or to initiate an appeal.”.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BARRETT OF NEW JERSEY, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 8, line 4, after “**PROPERTIES**” insert “, **CERTAIN PRE-FIRM PROPERTIES**,”.

Page 8, line 17, strike the quotation marks and the second period.

Page 8, after line 17, insert the following new paragraph:

“(4) RECENTLY PURCHASED PRE-FIRM PROPERTIES.—Any property that—

“(A) has been constructed or substantially improved and for which such construction or improvement was started, as determined by the Director, before December 31, 1974, or before the effective date of the initial rate map published by the Director under paragraph (2) of section 1360 for the area in which such property is located, whichever is later; and

“(B) is purchased after the date of the enactment of the Flood Insurance Reform and Modernization Act of 2006.”.

Page 9, line 14, strike “or (3)” and insert “, (3), or (4)”.

Page 10, line 12, strike “and (3)” and insert “, (3), and (4)”.

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TAYLOR OF MISSISSIPPI, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of the bill, add the following new section:

SEC. 20. INVESTIGATION OF WRITE-YOUR-OWN INSURERS' ADJUSTMENT OF CLAIMS RELATING TO HURRICANE KATRINA.

(a) INVESTIGATION.—The Inspector General of the Department of Homeland Security shall carry out an investigation of insurers making flood insurance coverage available under the Write-Your-Own program pursuant to section 1345 of the National Flood Insurance Act of 1968 (42 U.S.C. 4081) and subpart C of part 62 of title 44, Code of Federal Regulations to determine—

(1) whether any such insurers, in adjusting and settling claims resulting from Hurricane Katrina, improperly attributed damages from such hurricane to flooding covered under coverage provided under the national flood insurance program rather than to windstorms covered by other coverage provided

by such insurers or by windstorm insurance pools in which such insurers participated; and

(2) the extent to which such improper attribution of damages occurred.

(b) REPORT.—Not later than the expiration of the 6-month period that begins upon the date of the enactment of this Act, the Inspector General of the Department of Homeland Security shall submit to the Congress a report setting forth the conclusions of the investigation pursuant to subsection (a).

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JACKSON-LEE OF TEXAS, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 5, line 24, strike “and”.

Page 6, line 4, strike the period and insert “; and”.

Page 6, after line 4, insert the following:

(E) the extent to which eligibility standards for pre-FIRM properties were inconsistent and resulted in disparities in coverage among such properties.

6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PICKERING OF MISSISSIPPI, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 10, line 16, strike “**REDUCTION OF**”.

Page 10, line 18, before “Section” insert “(a) REDUCTION.—”.

Page 10, after line 18, insert the following new subsection:

(b) EXCEPTION.—Section 1306(c)(2)(A) of the National Flood Insurance Act of 1968 (42 U.S.C. 4013(c)(2)(A)) is amended by inserting before the semicolon the following: “or is in connection with the purchase or other transfer of the property for which the coverage is provided (regardless of whether a loan is involved in the purchase or transfer transaction)”.

7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MATSUI OF CALIFORNIA, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 23, line 13, strike “and”.

Page 23, line 19, strike the final period and insert “; and”.

Page 23, after line 19 insert the following:

“(C) ensure that emerging weather forecasting technology is used, where practicable, in flood map evaluations and the identification of potential risk areas.”.

8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE EDDIE BERNICE JOHNSON OF TEXAS, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 24, after line 6 insert the following new paragraph:

“(5) EDUCATION PROGRAM.—The Director shall, after each update to a flood insurance program rate map, in consultation with the chief executive officer of each community affected by the update, conduct a program to educate each such community about the update to the flood insurance program rate map and the effects of the update.”.

Page 24, line 7, redesignate paragraph (5) as paragraph (6).
 Page 24, line 18, redesignate paragraph (6) as paragraph (7).

9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MATSUI OF CALIFORNIA, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 29, after line 2, insert the following new subsection:

(e) GAO STUDY OF LOW-INCOME DISCOUNT.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of potential methods, practices, and incentives that would increase the extent to which low-income families (as such term is defined in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b))) that own residential properties located within areas having special flood hazards purchase flood insurance coverage under the national flood insurance program. In conducting the study the Comptroller General shall analyze—

(A) the feasibility and effectiveness of providing such coverage to low-income families at rates that are discounted from the rates at which such coverage is otherwise provided, the amounts by which such rates should be discounted to ensure that coverage is affordable to such families and to encourage purchase of coverage by such families, and the effects of such discounts on the national flood insurance program; and

(B) the extent to which residential properties occupied by low-income families would be affected by expanding the mandatory purchase requirements of the national flood insurance program to the areas included in the national flood insurance program rate maps pursuant to section 1360(k) of the National Flood Insurance Act of 1968 (42 U.S.C. 4101(k)), as amended by subsection (a) of this section.

(2) REPORT.—The Comptroller General shall submit to the Congress a report setting forth the conclusions of the study under this subsection not later than 12 months after the date of the enactment of this Act.

10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE RUPPERSBERGER OF MARYLAND, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 29, line 16, insert before “issue regulations” the following: “in plain language using easy to understand terms and concepts,”.

Page 29, line 20, insert before “revise any” the following: “in plain language using easy to understand terms and concepts,”.

Page 30, line 2, strike “and”.

Page 30, line 11, strike the final period and insert “; and”.

Page 30, after line 11, insert the following new paragraph:

(4) include in each standard flood insurance policy a one-page description of the policy using plain language and easy to understand terms and concepts.

11. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JINDAL OF LOUISIANA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of the bill, add the following new section (and conform the table of contents accordingly):

SEC. 20. ELIGIBILITY OF PROPERTY DEMOLITION AND REBUILDING FOR MITIGATION ASSISTANCE PROGRAM.

Section 1366(e)(5)(B) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c(e)(5)(B)) is amended by inserting after “flood risk” the following: “, or the demolition and rebuilding of structures located in such areas to at least Base Flood Elevation or any greater elevation required by any local ordinance”.

12. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JO ANN DAVIS OF VIRGINIA, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of the bill, add the following new section:

SECTION 20. SAMPLING METHODS FOR QUALITY ASSURANCE.

Section 1345 of the National Flood Insurance Act of 1968 (42 U.S.C. 4081) is amended by adding at the end the following new subsection:

“(d) SAMPLING METHODS FOR QUALITY ASSURANCE.—In selecting the cases and claims for operational reviews and claims re-inspections regarding the national flood insurance program under this title, the Director shall use a statistically valid probability sample whose results can be generalized to the entire population of reviews and claims from which the sample is drawn and whose sampling error can be quantified.”.

13. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JO ANN DAVIS OF VIRGINIA, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of the bill, add the following new section:

SEC. 20. EXTENSION OF DEADLINE FOR FILING PROOF OF LOSS.

(a) IN GENERAL.—Section 1312 of the National Flood Insurance Act of 1968 (42 U.S.C. 4019) is amended—

- (1) by inserting “(a) PAYMENT.—” before “The Director”; and
- (2) by adding at the end the following new subsection:

“(b) FILING DEADLINE FOR PROOF OF LOSS.—

“(1) IN GENERAL.—In establishing any requirements regarding notification, proof, or approval of claims for damage to or loss of property which is covered by flood insurance made available under this title, the Director may not require an insured to notify the Director of such damage or loss, submit a claim for such damage or loss, or certify to or submit proof of such damage or loss, before the expiration of the 180-day period that begins on the date that such damage or loss occurred.

“(2) EXCEPTIONS.—Notwithstanding any deadline established in accordance with paragraph (1), the Director may not deny a claim for damage or loss described in such paragraph solely for failure to meet such deadline if the insured demonstrates any good cause for such failure.”.

(b) APPLICABILITY.—Subsection (b) of section 1312 of the National Flood Insurance Act of 1968, as added by subsection (a)(2) of this

section, shall apply with respect to any claim under which the damage to or loss of property occurred on or after September 18, 2003.

14. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ROHR-
ABACHER OF CALIFORNIA, OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES

At the end of the bill, add the following new section:

**SEC. 20. RATES FOR PROPERTY AFFECTED BY FEDERALLY FUNDED
FLOOD CONTROL PROJECTS.**

Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015) is amended by adding at the end the following new subsection:

“(g) EFFECT OF FLOOD CONTROL PROJECTS.—Notwithstanding any other provision of law, in any case where a flood control project constructed with Federal assistance causes a property to become at greater risk for a flood than before the construction of the project, the chargeable rate for the property shall be—

“(1) the rate that the Director would have prescribed under subsection (a) if the flood control project had not been constructed; or

“(2) in the case of property that would not have been considered part of a flood-risk zone prior to construction of the flood control project, zero dollars.”.

15. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PEARCE
OF NEW MEXICO, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 9, line 6, strike “AND TRANSITION.—” and all that follows through “EFFECTIVE DATE”.

Page 9, strike line 13 and all that follows through page 10, line 15.

15. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MILLER
OF MICHIGAN, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 24, after line 6, insert the following:

“(5) GREAT LAKES FLOOD LEVEL STUDY.—

“(A) IN GENERAL.—Not later than 90 days after the completion by the International Joint Commission of The Upper Great Lakes Study, the Director shall request the Corps of Engineers to complete a new inundation map for areas surrounding the upper Great Lakes and their interconnecting channels to assist the Director in the development of maps identifying 100- and 500-year flood inundation areas for those areas.

“(B) REQUIREMENTS.—The Director shall request the Corps of Engineers, in completing new inundation map under subparagraph (A), to—

“(i) utilize data and findings from The Upper Great Lakes Study by the International Joint Commission, including any changes to the International Joint Commission’s Order of Approval at St. Mary’s River; and

“(ii) accurately show the flood inundation of each property by flood risk in the floodplain.

“(C) VALIDITY OF STUDY.—The Director shall take such actions as may be necessary to ensure that the maps completed pursuant to the request under subparagraph (A) are valid and appropriate for use for purposes of the national flood insurance program.

“(D) COMPLETION OF STUDY.—In making the request under subparagraph (A), the Director shall request that the Corps of Engineers complete the new inundation map not later than 18 months after the date of the completion of The Upper Great Lakes Study by the International Joint Commission.

“(E) LIMITATION OF ELEVATION INCREASES.—The Director shall not increase the base flood elevation in any community surrounding the upper Great Lakes and their interconnecting channels until the Corps of Engineers completes the new inundation map pursuant to the request under subparagraph (A).

“(F) DEFINITIONS.—For purposes of this paragraph, the following definitions shall apply:

“(i) The term ‘upper Great Lakes’ means Lake Superior, Lake Michigan, Lake Huron, and Lake Erie.

“(ii) The term ‘interconnecting channels’ means the St. Mary’s River, St. Clair River, Lake St. Clair, the Detroit River, and the Niagara River up to Niagara Falls.”.

Page 24, line 7, strike “(5)” and insert “(6)”.

Page 24, line 18, strike “(6)” and insert “(7)”.