

**AMENDMENT TO RULES COMMITTEE PRINT FOR H.R. 2954**

**OFFERED BY MS. CASTOR OF FLORIDA**

At the end of the Committee Print, add the following new title:

1 **TITLE XI —AFFORDABILITY OF FLOOD INSURANCE**  
2 **FOR HOMEOWNERS**

3  
4 SEC. 1101. SHORT TITLE.

5 This title may be cited as the “Homeowner Flood Insurance Affordability Act  
6 of 2014”.

7 SEC. 1102. DEFINITIONS.

8 As used in this title, the following definitions shall apply:

9 (1) **ADJUSTED BASE FLOOD ELEVATION.**—For purposes of rating  
10 a floodproofed covered structure, the term “adjusted base flood  
11 elevation” means the base flood elevation for a covered structure on the  
12 applicable effective flood insurance rate map, plus 1 foot.

13 (2) **ADMINISTRATOR.**—The term “Administrator” means the  
14 Administrator of the Federal Emergency Management Agency.

15 (3) **AFFORDABILITY AUTHORITY BILL.**—The term “affordability  
16 authority bill” means a non-amendable bill that if enacted would only  
17 grant the Administrator the authority necessary to promulgate  
18 regulations in accordance with the criteria set forth in section  
19 1103(d)(2).

20 (4) **AFFORDABILITY STUDY.**—The term “affordability study”  
21 means the study required under section 100236 of the Biggert-Waters  
22 Flood Insurance Reform Act of 2012 (Public Law 112–141; 126 Stat.  
23 957).

1 (5) APPLICABLE FLOOD PLAIN MANAGEMENT MEASURES.—The  
2 term “applicable flood plain management measures” means flood plain  
3 management measures adopted by a community under section 60.3(c)  
4 of title 44, Code of Federal Regulations.

5 (6) COVERED STRUCTURE.—The term “covered structure” means  
6 a residential structure—

7 (A) that is located in a community that has adopted flood plain  
8 management measures that are approved by the Federal Emergency  
9 Management Agency and that satisfy the requirements for an  
10 exception for floodproofed residential basements under section  
11 60.6(c) of title 44, Code of Federal Regulations; and

12 (B) that was built in compliance with the applicable flood plain  
13 management measures.

14 (7) DRAFT AFFORDABILITY FRAMEWORK.—The term “draft  
15 affordability framework” means the draft programmatic and regulatory  
16 framework required to be prepared by the Administrator and submitted  
17 to Congress under section \_\_03(d) addressing the issues of affordability  
18 of flood insurance sold under the National Flood Insurance Program,  
19 including issues identified in the affordability study.

20 (8) FLOODPROOFED ELEVATION.—The term “floodproofed  
21 elevation” means the height of floodproofing on a covered structure, as  
22 identified on the Residential Basement Floodproofing Certificate for  
23 the covered structure.

24 (9) NATIONAL FLOOD INSURANCE PROGRAM.—The term  
25 “National Flood Insurance Program” means the program established  
26 under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et  
27 seq.).

28 **SEC. 1103. DELAYED IMPLEMENTATION OF FLOOD INSURANCE RATE**  
29 **INCREASES; DRAFT AFFORDABILITY FRAMEWORK.**

30 (a) DELAYED IMPLEMENTATION OF FLOOD INSURANCE RATE  
31 INCREASES.—

1 (1) GRANDFATHERED PROPERTIES.—Beginning on the date of  
2 enactment of this Act, the Administrator may not increase risk premium  
3 rates for flood insurance for any property located in an area subject to  
4 the premium adjustment required under section 1308(h) of the National  
5 Flood Insurance Act of 1968 (42 U.S.C. 4015(h)).

6 (2) PRE-FIRM PROPERTIES.—Beginning on the date of enactment  
7 of this Act, the Administrator may not reduce the risk premium rate  
8 subsidies for flood insurance for any property—

9 (A) described under section 1307(g)(1) of the National Flood  
10 Insurance Act of 1968 (42 U.S.C. 4014(g)(1)); or

11 (B) described under 1307(g)(3) of the National Flood  
12 Insurance Act of 1968 (42 U.S.C. 4014(g)(3)), provided that the  
13 decision of the policy holder to permit a lapse in flood insurance  
14 coverage was as a result of the property no longer being required to  
15 retain such coverage.

16 (3) EXPIRATION.—The prohibitions set forth under paragraphs (1)  
17 and (2) shall expire 6 months after the later of—

18 (A) the date on which the Administrator proposes the draft  
19 affordability framework;

20 (B) the date on which any regulations proposed pursuant to the  
21 authority that the Administrator is granted in the affordability  
22 authority bill, if such bill is enacted, become final; or

23 (C) the date on which the Administrator certifies in writing to  
24 Congress that the Federal Emergency Management Agency has  
25 implemented a flood mapping approach that utilizes sound  
26 scientific and engineering methodologies to determine varying  
27 levels of flood risk in all areas participating in the National Flood  
28 Insurance Program.

29 (b) PROPERTY SALE TRIGGER.—Section 1307(g)(2) of the National Flood  
30 Insurance Act of 1968 (42 U.S.C. 4014(g)(2)) is amended to read as follows:

1           “(2) any property purchased after the expiration of the 6-month  
2 period set forth under section 1103(a)(3) of the Homeowner Flood  
3 Insurance Affordability Act of 2014;”.

4           (c) TREATMENT OF PRE-FIRM PROPERTIES.—Beginning on the date of  
5 enactment of this Act and ending upon the expiration of the 6-month period set  
6 forth under subsection (a)(3), the Administrator shall restore the risk premium rate  
7 subsidies for flood insurance estimated under section 1307(a)(2) of the National  
8 Flood Insurance Act of 1968 (42 U.S.C. 4014(a)(2)) for any property described in  
9 subparagraphs (A) and (B) of subsection (a)(2) of this section and in section  
10 1307(g)(2) of the National Flood Insurance Act of 1968 (42 U.S.C. 4014(g)(2)).

11           (d) DRAFT AFFORDABILITY FRAMEWORK.—

12           (1) IN GENERAL.—The Administrator shall prepare a draft  
13 affordability framework that proposes to address, via programmatic and  
14 regulatory changes, the issues of affordability of flood insurance sold  
15 under the National Flood Insurance Program, including issues identified  
16 in the affordability study.

17           (2) CRITERIA.—In carrying out the requirements under paragraph  
18 (1), the Administrator shall consider the following criteria:

19                   (A) Accurate communication to consumers of the flood risk  
20 associated with their property.

21                   (B) Targeted assistance to flood insurance policy holders based  
22 on their financial ability to continue to participate in the National  
23 Flood Insurance Program.

24                   (C) Individual or community actions to mitigate the risk of  
25 flood or lower the cost of flood insurance.

26                   (D) The impact of increases in risk premium rates on  
27 participation in the National Flood Insurance Program.

28                   (E) The impact flood insurance rate map updates have on the  
29 affordability of flood insurance.

30           (3) DEADLINE FOR SUBMISSION.—Not later than 18 months after  
31 the date on which the Administrator submits the affordability study, the

1 Administrator shall submit to the full Committee on Banking, Housing,  
2 and Urban Affairs and the full Committee on Appropriations of the  
3 Senate and the full Committee on Financial Services and the full  
4 Committee on Appropriations of the House of Representatives the draft  
5 affordability framework.

6 (e) CONGRESSIONAL CONSIDERATION OF FEMA AFFORDABILITY  
7 AUTHORITIES.—

8 (1) NO REFERRAL.—Upon introduction in either House of  
9 Congress, an affordability authority bill shall not be referred to a  
10 committee and shall immediately be placed on the calendar.

11 (2) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

12 (A) PROCEEDING TO CONSIDERATION.—It shall be in order to  
13 move to proceed to consider the affordability authority bill in the  
14 House. All points of order against the motion are waived. Such a  
15 motion shall not be in order after the House has disposed of a  
16 motion to proceed with respect to the affordability authority bill.  
17 The previous question shall be considered as ordered on the motion  
18 to its adoption without intervening motion. The motion shall not be  
19 debatable. A motion to reconsider the vote by which the motion is  
20 disposed of shall not be in order.

21 (B) CONSIDERATION.—The affordability authority bill shall  
22 be considered as read. All points of order against the affordability  
23 authority bill and against its consideration are waived. The  
24 previous question shall be considered as ordered on the  
25 affordability authority bill to its passage without intervening  
26 motion except 10 hours of debate equally divided and controlled by  
27 the proponent and an opponent. A motion to reconsider the vote on  
28 passage of the affordability authority bill shall not be in order.

29 (3) CONSIDERATION IN THE SENATE.—

30 (A) PLACEMENT ON THE CALENDAR.—Upon introduction in  
31 the Senate, an affordability authority bill shall be immediately  
32 placed on the calendar.

1 (B) FLOOR CONSIDERATION.—Notwithstanding Rule XXII of  
2 the Standing Rules of the Senate, it is in order, at any time  
3 beginning on the day after the 6th day after the date of introduction  
4 of an affordability authority bill (even if a previous motion to the  
5 same effect has been disagreed to) to move to proceed to the  
6 consideration of the affordability authority bill and all points of  
7 order against consideration of the affordability authority bill are  
8 waived. The motion to proceed is not debatable. The motion is not  
9 subject to a motion to postpone. A motion to reconsider the vote by  
10 which the motion is agreed to or disagreed to shall not be in order.  
11 If a motion to proceed to the consideration of the affordability  
12 authority bill is agreed to, the affordability authority bill shall  
13 remain the unfinished business until disposed of.

14 (C) CONSIDERATION.—All points of order against the  
15 affordability authority bill are waived. Consideration of the  
16 affordability authority bill and of all debatable motions and appeals  
17 in connection therewith shall be limited to not more than 10 hours  
18 which shall be divided equally between the majority and minority  
19 leaders or their designees. A motion further to limit debate on the  
20 affordability authority bill is in order, and is not debatable.

21 (D) NO AMENDMENTS.—An amendment to the affordability  
22 authority bill, or a motion to postpone, or a motion to proceed to  
23 the consideration of other business, or a motion to commit or  
24 recommit the affordability authority bill, is not in order.

25 (E) VOTE ON PASSAGE.—If the Senate has voted to proceed to  
26 the affordability authority bill, the vote on passage of the  
27 affordability authority bill shall occur immediately following the  
28 conclusion of consideration of the affordability authority bill, and a  
29 single quorum call at the conclusion of the debate if requested in  
30 accordance with the rules of the Senate.

31 (4) AMENDMENT.—The affordability authority bill shall not be  
32 subject to amendment in either the House of Representatives or the  
33 Senate.

34 (5) CONSIDERATION BY THE OTHER HOUSE.—

1 (A) IN GENERAL.—If, before passing the affordability  
2 authority bill, one House receives from the other an affordability  
3 authority bill—

4 (i) the affordability authority bill of the other House shall  
5 not be referred to a committee; and

6 (ii) the procedure in the receiving House shall be the same  
7 as if no affordability authority bill had been received from the  
8 other House except that the vote on passage shall be on the  
9 affordability authority bill of the other House.

10 (B) REVENUE MEASURE.—This subsection shall not apply to  
11 the House of Representatives if the affordability authority bill  
12 received from the Senate is a revenue measure.

13 (6) COORDINATION WITH ACTION BY OTHER HOUSE.—

14 (A) TREATMENT OF AFFORDABILITY AUTHORITY BILL OF  
15 OTHER HOUSE.—If the Senate fails to introduce or consider a  
16 affordability authority bill under this section, the affordability  
17 authority bill of the House shall be entitled to expedited floor  
18 procedures under this section.

19 (B) TREATMENT OF COMPANION MEASURES IN THE  
20 SENATE.—If following passage of the affordability authority bill in  
21 the Senate, the Senate then receives the affordability authority bill  
22 from the House of Representatives, the House-passed affordability  
23 authority bill shall not be debatable.

24 (C) VETOES.—If the President vetoes the affordability  
25 authority bill, debate on a veto message in the Senate under this  
26 section shall be 1 hour equally divided between the majority and  
27 minority leaders or their designees.

28 (7) RULES OF THE HOUSE OF REPRESENTATIVES AND SENATE.—  
29 This subsection is enacted by Congress—

30 (A) as an exercise of the rulemaking power of the Senate and  
31 the House of Representatives, respectively, and as such it is

1 deemed a part of the rules of each House, respectively, but  
2 applicable only with respect to the procedure to be followed in that  
3 House in the case of an affordability authority bill, and it  
4 supersedes other rules only to the extent that it is inconsistent with  
5 such rules; and

6 (B) with full recognition of the constitutional right of either  
7 House to change its rules at any time, in the same manner, and to  
8 the same extent as in the case of any other rule of that House.

9 (f) INTERAGENCY AGREEMENTS.—The Administrator may enter into an  
10 agreement with another Federal agency to—

11 (1) complete the affordability study; or

12 (2) prepare the draft affordability framework.

13 (g) CLEAR COMMUNICATIONS.—The Administrator shall clearly  
14 communicate full flood risk determinations to individual property owners  
15 regardless of whether their premium rates are full actuarial rates.

16 (h) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to  
17 provide the Administrator with the authority to provide assistance to homeowners  
18 based on affordability that was not available prior to the enactment of the Biggert-  
19 Waters Flood Insurance Reform Act of 2012 (Public Law 112–141; 126 Stat. 916).

#### 20 SEC. 1104. AFFORDABILITY STUDY AND REPORT.

21 Notwithstanding the deadline under section 100236(c) of the Biggert-Waters  
22 Flood Insurance Reform Act of 2012 (Public Law 112–141; 126 Stat. 957), not  
23 later than 2 years after the date of enactment of this Act, the Administrator shall  
24 submit to the full Committee on Banking, Housing, and Urban Affairs and the full  
25 Committee on Appropriations of the Senate and the full Committee on Financial  
26 Services and the full Committee on Appropriations of the House of  
27 Representatives the affordability study and report required under such section.

#### 28 SEC. 1105. AFFORDABILITY STUDY FUNDING.

29 Section 100236(d) of the Biggert-Waters Flood Insurance Reform Act of 2012  
30 (Public Law 112–141; 126 Stat. 957) is amended by striking “not more than  
31 \$750,000” and inserting “such amounts as may be necessary”.

1 SEC. 1106. FUNDS TO REIMBURSE HOMEOWNERS FOR SUCCESSFUL  
2 MAP APPEALS.

3 (a) IN GENERAL.—Section 1363(f) of the National Flood Insurance Act of  
4 1968 (42 U.S.C. 4104(f)) is amended by striking the second sentence and inserting  
5 the following: “The Administrator may use such amounts from the National Flood  
6 Insurance Fund established under section 1310 as may be necessary to carry out  
7 this subsection.”.

8 (b) CONFORMING AMENDMENT.—Section 1310(a) of the National Flood  
9 Insurance Act of 1968 (42 U.S.C. 4017(a)) is amended—

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

11 (2) in paragraph (7), by striking the period at the end and inserting  
12 “; and”; and

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

14 “(8) for carrying out section 1363(f).”.

15 SEC. 1107. FLOOD PROTECTION SYSTEMS.

16 (a) ADEQUATE PROGRESS ON CONSTRUCTION OF FLOOD PROTECTION  
17 SYSTEMS.—Section 1307(e) of the National Flood Insurance Act of 1968 (42  
18 U.S.C. 4014(e)) is amended—

19 (1) in the first sentence, by inserting “or reconstruction” after  
20 “construction”;

21 (2) by amending the second sentence to read as follows: “The  
22 Administrator shall find that adequate progress on the construction or  
23 reconstruction of a flood protection system, based on the present value  
24 of the completed flood protection system, has been made only if (1) 100  
25 percent of the cost of the system has been authorized, (2) at least 60  
26 percent of the cost of the system has been appropriated, (3) at least 50  
27 percent of the cost of the system has been expended, and (4) the system  
28 is at least 50 percent completed.”; and

29 (3) by adding at the end the following: “Notwithstanding any other  
30 provision of law, in determining whether a community has made



1 (B) flood mitigation;

2 (C) measures to reduce flood insurance rates through effective  
3 mitigation; and

4 (D) the flood insurance rate map review and amendment  
5 process;

6 (2) assist policy holders under the National Flood Insurance  
7 Program and property owners to understand the procedural  
8 requirements related to appealing preliminary flood insurance rate maps  
9 and implementing measures to mitigate evolving flood risks;

10 (3) assist in the development of regional capacity to respond to  
11 individual constituent concerns about flood insurance rate map  
12 amendments and revisions;

13 (4) coordinate outreach and education with local officials and  
14 community leaders in areas impacted by proposed flood insurance rate  
15 map amendments and revisions; and

16 (5) aid potential policy holders under the National Flood Insurance  
17 Program in obtaining and verifying accurate and reliable flood  
18 insurance rate information when purchasing or renewing a flood  
19 insurance policy.

20 (c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be  
21 appropriated for each fiscal year such sums as may be necessary to carry out the  
22 duties and responsibilities of the Flood Insurance Advocate.