

## Calendar No. 317

113TH CONGRESS  
2D SESSION**H. R. 3370**

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IN THE SENATE OF THE UNITED STATES

MARCH 5, 2014

Received; read the first time

MARCH 6, 2014

Read the second time and placed on the calendar

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**AN ACT**

To delay the implementation of certain provisions of the Biggert-Waters Flood Insurance Reform Act of 2012, and for other purposes.

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 AND TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the  
5 “Homeowner Flood Insurance Affordability Act of 2014”.

6 (b) **TABLE OF CONTENTS.**—The table of contents for  
7 this Act is as follows:

Sec. 1. Short title and table of contents.

Sec. 2. Definitions.

Sec. 3. Repeal of certain rate increases.

Sec. 4. Restoration of grandfathered rates.

- Sec. 5. Requirements regarding annual rate increases.
- Sec. 6. Clarification of rates for properties newly mapped into areas with special flood hazards.
- Sec. 7. Premiums and reports.
- Sec. 8. Annual premium surcharge.
- Sec. 9. Draft affordability framework.
- Sec. 10. Risk transfer.
- Sec. 11. Monthly installment payment for premiums.
- Sec. 12. Optional high-deductible policies for residential properties.
- Sec. 13. Exclusion of detached structures from mandatory purchase requirement.
- Sec. 14. Accounting for flood mitigation activities in estimates of premium rates.
- Sec. 15. Home improvement fairness.
- Sec. 16. Affordability study and report.
- Sec. 17. Flood insurance rate map certification.
- Sec. 18. Funds to reimburse homeowners for successful map appeals.
- Sec. 19. Flood protection systems.
- Sec. 20. Quarterly reports regarding Reserve Fund ratio.
- Sec. 21. Treatment of floodproofed residential basements.
- Sec. 22. Exemption from fees for certain map change requests.
- Sec. 23. Study of voluntary community-based flood insurance options.
- Sec. 24. Designation of flood insurance advocate.
- Sec. 25. Exceptions to escrow requirement for flood insurance payments.
- Sec. 26. Flood mitigation methods for buildings.
- Sec. 27. Mapping of non-structural flood mitigation features.
- Sec. 28. Clear communications.
- Sec. 29. Protection of small businesses, non-profits, houses of worship, and residences.
- Sec. 30. Mapping.
- Sec. 31. Disclosure.

1 **SEC. 2. DEFINITIONS.**

2 For purposes of this title, the following definitions  
 3 shall apply:

4 (1) ADMINISTRATOR.—The term “Adminis-  
 5 trator” means the Administrator of the Federal  
 6 Emergency Management Agency.

7 (2) NATIONAL FLOOD INSURANCE PROGRAM.—  
 8 The term “National Flood Insurance Program”  
 9 means the program established under the National  
 10 Flood Insurance Act of 1968 (42 U.S.C. 4001 et  
 11 seq.).

1 **SEC. 3. REPEAL OF CERTAIN RATE INCREASES.**

2 (a) REPEAL.—

3 (1) IN GENERAL.—Section 1307(g) of the Na-  
4 tional Flood Insurance Act of 1968 (42 U.S.C.  
5 4014(g)) is amended—

6 (A) by striking paragraphs (1) and (2);

7 (B) in paragraph (3), by striking “as a re-  
8 sult of the deliberate choice of the holder of  
9 such policy” and inserting “, unless the decision  
10 of the policy holder to permit a lapse in flood  
11 insurance coverage was as a result of the prop-  
12 erty covered by the policy no longer being re-  
13 quired to retain such coverage”; and

14 (C) by redesignating paragraphs (3) and  
15 (4) as paragraphs (1) and (2), respectively.

16 (2) EFFECTIVE DATE.—The Administrator  
17 shall make available such rate tables, as necessary to  
18 implement the amendments made by paragraph (1)  
19 as if it were enacted as part of the Biggert-Waters  
20 Flood Insurance Reform Act of 2012 (Public Law  
21 112–141; 126 Stat. 957).

22 (3) IMPLEMENTATION, COORDINATION, AND  
23 GUIDANCE.—

24 (A) FACILITATION OF TIMELY REFUNDS.—

25 To ensure the participation of Write Your Own  
26 companies (as such term is defined in section

1 100202(a) of the Biggert-Waters Flood Insur-  
2 ance Reform Act of 2012 (42 U.S.C. 4004(a)),  
3 the Administrator and the Federal Emergency  
4 Management Agency shall consult with Write  
5 Your Own companies throughout the develop-  
6 ment of guidance and rate tables necessary to  
7 implement the provisions of and the amend-  
8 ments made by this Act.

9 (B) IMPLEMENTATION AND GUIDANCE.—

10 The Administrator shall issue final guidance  
11 and rate tables necessary to implement the pro-  
12 visions of and the amendments made by this  
13 Act not later than eight months following the  
14 date of the enactment of this Act. Write Your  
15 Own companies, in coordination with the Fed-  
16 eral Emergency Management Agency, shall  
17 have not less than six months but not more  
18 than eight months following the issuance of  
19 such final guidance and rate tables to imple-  
20 ment the changes required by such final guid-  
21 ance and rate tables.

22 (4) REFUND OF EXCESS PREMIUM CHARGES

23 COLLECTED.—The Administrator shall refund di-  
24 rectly to insureds any premiums for flood insurance  
25 coverage under the National Flood Insurance Pro-

1       gram collected in excess of the rates required under  
2       the provisions of and amendments made by this sec-  
3       tion. To allow for necessary and appropriate imple-  
4       mentation of such provisions and amendments, any  
5       premium changes necessary to implement such pro-  
6       visions and amendments, including any such pre-  
7       mium refund due to policy holders, which shall be  
8       paid directly by the National Flood Insurance Pro-  
9       gram, shall not be charged or paid to policyholders  
10      by the National Flood Insurance Program until after  
11      the Administrator issues guidance and makes avail-  
12      able such rate tables to implement the provisions of  
13      and amendments made by this Act.

14      (b) ASSUMPTION OF POLICIES AT EXISTING PRE-  
15      MIUM RATES.—The Administrator shall provide that the  
16      purchaser of a property that, as of the date of such pur-  
17      chase, is covered under an existing flood insurance policy  
18      under this title may assume such existing policy and cov-  
19      erage for the remainder of the term of the policy at the  
20      chargeable premium rates under such existing policy. Such  
21      rates shall continue with respect to such property until  
22      the implementation of subsection (a).

1 **SEC. 4. RESTORATION OF GRANDFATHERED RATES.**

2 (a) IN GENERAL.—Section 1308 of the National  
3 Flood Insurance Act of 1968 (42 U.S.C. 4015) is amend-  
4 ed—

5 (1) by striking subsection (h); and

6 (2) by redesignating subsection (i) as subsection  
7 (h).

8 (b) EFFECTIVE DATE.—The amendments made by  
9 subsection (a) shall take effect as if enacted as part of  
10 the Biggert-Waters Flood Insurance Reform Act of 2012  
11 (Public Law 112–141; 126 Stat. 957).

12 **SEC. 5. REQUIREMENTS REGARDING ANNUAL RATE IN-**  
13 **CREASES.**

14 Section 1308(e) of the National Flood Insurance Act  
15 of 1968 (42 U.S.C. 4015(e)) is amended—

16 (1) in the matter preceding paragraph (1), by  
17 striking “, the chargeable risk premium rates for  
18 flood insurance under this title for any properties”;

19 (2) in paragraph (1), by inserting “the charge-  
20 able risk premium rates for flood insurance under  
21 this title for any properties” before “within any”;

22 (3) in paragraph (2), by inserting “the charge-  
23 able risk premium rates for flood insurance under  
24 this title for any properties” before “described in”;

1           (4) by redesignating paragraphs (1) and (2), as  
2           so amended, as paragraphs (3) and (4), respectively;  
3           and

4           (5) by inserting before paragraph (3), as so re-  
5           designated, the following new paragraphs:

6           “(1) the chargeable risk premium rate for flood  
7           insurance under this title for any property may not  
8           be increased by more than 18 percent each year, ex-  
9           cept—

10                   “(A) as provided in paragraph (4);

11                   “(B) in the case of property identified  
12           under section 1307(g); or

13                   “(C) in the case of a property that—

14                           “(i) is located in a community that  
15                           has experienced a rating downgrade under  
16                           the community rating system program car-  
17                           ried out under section 1315(b);

18                           “(ii) is covered by a policy with re-  
19                           spect to which the policyholder has—

20                                   “(I) decreased the amount of the  
21                                   deductible; or

22                                   “(II) increased the amount of  
23                                   coverage; or

24                                   “(iii) was misrated;

1           “(2) the chargeable risk premium rates for  
2 flood insurance under this title for any properties  
3 initially rated under section 1307(a)(2) within any  
4 single risk classification, excluding properties for  
5 which the chargeable risk premium rate is not less  
6 than the applicable estimated risk premium rate  
7 under section 1307(a)(1), shall be increased by an  
8 amount that results in an average of such rate in-  
9 creases for properties within the risk classification  
10 during any 12-month period of not less than 5 per-  
11 cent of the average of the risk premium rates for  
12 such properties within the risk classification upon  
13 the commencement of such 12-month period;”;

14           (6) in paragraph (3) (as so redesignated by  
15 paragraph (4) of this section), by striking “20 per-  
16 cent” and inserting “15 percent”; and

17           (7) in paragraph (4) (as so redesignated) by  
18 paragraph (4) of this section), by striking “para-  
19 graph (1)” and inserting “paragraph (3)”.

20 **SEC. 6. CLARIFICATION OF RATES FOR PROPERTIES**  
21 **NEWLY MAPPED INTO AREAS WITH SPECIAL**  
22 **FLOOD HAZARDS.**

23           Section 1308 of the National Flood Insurance Act of  
24 1968 (42 U.S.C. 4015), as amended by the preceding pro-

1 visions of this Act, is further amended by adding at the  
2 end the following new subsection:

3 “(i) RATES FOR PROPERTIES NEWLY MAPPED INTO  
4 AREAS WITH SPECIAL FLOOD HAZARDS.—Notwith-  
5 standing subsection (f), the premium rate for flood insur-  
6 ance under this title that is purchased on or after the date  
7 of the enactment of this subsection—

8 “(1) on a property located in an area not pre-  
9 viously designated as having special flood hazards  
10 and that, pursuant to any issuance, revision, updat-  
11 ing, or other change in a flood insurance map, be-  
12 comes designated as such an area; and

13 “(2) where such flood insurance premium rate  
14 is calculated under subsection (a)(1) of section 1307  
15 (42 U.S.C. 4014(a)(1)),

16 shall for the first policy year be the preferred risk pre-  
17 mium for the property and upon renewal shall be cal-  
18 culated in accordance with subsection (e) of this section  
19 until the rate reaches the rate calculated under subsection  
20 (a)(1) of section 1307.”.

21 **SEC. 7. PREMIUMS AND REPORTS.**

22 Section 1308 of the National Flood Insurance Act of  
23 1968 (42 U.S.C. 4015), as amended by the preceding pro-  
24 visions of this Act, is further amended by adding at the  
25 end the following new subsection:

1       “(j) PREMIUMS AND REPORTS.—In setting premium  
2 risk rates, in addition to striving to achieve the objectives  
3 of this title the Administrator shall also strive to minimize  
4 the number of policies with annual premiums that exceed  
5 one percent of the total coverage provided by the policy.  
6 For any policies premiums that exceed this one percent  
7 threshold, the Administrator shall report such exceptions  
8 to the Committee on Financial Services of the House of  
9 Representatives and the Committee on Banking, Housing,  
10 and Urban Affairs of the Senate.”.

11 **SEC. 8. ANNUAL PREMIUM SURCHARGE.**

12       (a) PREMIUM SURCHARGE.—Chapter I of the Na-  
13 tional Flood Insurance Act of 1968 (42 U.S.C. 4011 et  
14 seq.) is amended by inserting after section 1308 the fol-  
15 lowing new section:

16 **“SEC. 1308A. PREMIUM SURCHARGE.**

17       “(a) IMPOSITION AND COLLECTION.—The Adminis-  
18 trator shall impose and collect an annual surcharge, in the  
19 amount provided in subsection (b), on all policies for flood  
20 insurance coverage under the National Flood Insurance  
21 Program that are newly issued or renewed after the date  
22 of the enactment of this section. Such surcharge shall be  
23 in addition to the surcharge under section 1304(b) and  
24 any other assessments and surcharges applied to such cov-  
25 erage.

1 “(b) AMOUNT.—The amount of the surcharge under  
2 subsection (a) shall be—

3 “(1) \$25, except as provided in paragraph (2);

4 and

5 “(2) \$250, in the case of a policy for any prop-  
6 erty that is—

7 “(A) a non-residential property; or

8 “(B) a residential property that is not the  
9 primary residence of an individual.

10 “(c) TERMINATION.—Subsections (a) and (b) shall  
11 cease to apply on the date on which the chargeable risk  
12 premium rate for flood insurance under this title for each  
13 property covered by flood insurance under this title, other  
14 than properties for which premiums are calculated under  
15 subsection (e) or (f) of section 1307 or section 1336 of  
16 this Act (42 U.S.C. 4014, 4056) or under section 100230  
17 of the Biggert-Waters Flood Insurance Reform Act of  
18 2012 (42 U.S.C. 4014 note), is not less than the applica-  
19 ble estimated risk premium rate under section 1307(a)(1)  
20 for such property.”.

21 (b) DEPOSIT IN RESERVE FUND.—Subsection (c) of  
22 section 1310A of the National Flood Insurance Act of  
23 1968 (42 U.S.C. 4017a) is amended by adding at the end  
24 the following new paragraph:

1           “(4) DEPOSIT OF PREMIUM SURCHARGES.—The  
2 Administrator shall deposit in the Reserve Fund any  
3 surcharges collected pursuant to section 1308A.”.

4 **SEC. 9. DRAFT AFFORDABILITY FRAMEWORK.**

5           (a) IN GENERAL.—The Administrator shall prepare  
6 a draft affordability framework that proposes to address,  
7 via programmatic and regulatory changes, the issues of  
8 affordability of flood insurance sold under the National  
9 Flood Insurance Program, including issues identified in  
10 the affordability study required under section 100236 of  
11 the Bigger-Waters Flood Insurance Reform Act of 2012  
12 (Public Law 112–141; 126 Stat. 957).

13           (b) CRITERIA.—In carrying out the requirements  
14 under subsection (a), the Administrator shall consider the  
15 following criteria:

16           (1) Accurate communication to consumers of  
17 the flood risk associated with their properties.

18           (2) Targeted assistance to flood insurance pol-  
19 icy holders based on their financial ability to con-  
20 tinue to participate in the National Flood Insurance  
21 Program.

22           (3) Individual or community actions to mitigate  
23 the risk of flood or lower the cost of flood insurance.

1           (4) The impact of increases in risk premium  
2 rates on participation in the National Flood Insur-  
3 ance Program.

4           (5) The impact flood insurance rate map up-  
5 dates have on the affordability of flood insurance.

6           (c) DEADLINE FOR SUBMISSION.—Not later than 18  
7 months after the date on which the Administrator submits  
8 the affordability study referred to in subsection (a), the  
9 Administrator shall submit to the full Committee on  
10 Banking, Housing, and Urban Affairs and the full Com-  
11 mittee on Appropriations of the Senate and the full Com-  
12 mittee on Financial Services and the full Committee on  
13 Appropriations of the House of Representatives the draft  
14 affordability framework required under subsection (a).

15           (d) INTERAGENCY AGREEMENTS.—The Adminis-  
16 trator may enter into an agreement with another Federal  
17 agency to—

18           (1) complete the affordability study referred to  
19 in subsection (a); or

20           (2) prepare the draft affordability framework  
21 required under subsection (a).

22           (e) RULE OF CONSTRUCTION.—Nothing in this sec-  
23 tion shall be construed to provide the Administrator with  
24 the authority to provide assistance to homeowners based  
25 on affordability that was not available prior to the enact-

1 ment of the Biggert-Waters Flood Insurance Reform Act  
2 of 2012 (Public Law 112–141; 126 Stat. 916).

3 **SEC. 10. RISK TRANSFER.**

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 subsection:

7 “(e) RISK TRANSFER.—The Administrator may se-  
8 cure reinsurance of coverage provided by the flood insur-  
9 ance program from the private reinsurance and capital  
10 markets at rates and on terms determined by the Adminis-  
11 trator to be reasonable and appropriate, in an amount suf-  
12 ficient to maintain the ability of the program to pay  
13 claims.”.

14 **SEC. 11. MONTHLY INSTALLMENT PAYMENT FOR PRE-**  
15 **MIUMS.**

16 (a) IN GENERAL.—Subsection (g) of section 1308 of  
17 the National Flood Insurance Act of 1968 (42 U.S.C.  
18 4015(g)) is amended by striking “either annually or in  
19 more frequent installments” and inserting “annually or  
20 monthly”.

21 (b) IMPLEMENTATION.—The Administrator shall im-  
22 plement the requirement under section 1308(g) of the Na-  
23 tional Flood Insurance Act of 1968, as amended by sub-  
24 section (a), not later than the expiration of the 18-month  
25 period beginning on the date of the enactment of this Act.

1 **SEC. 12. OPTIONAL HIGH-DEDUCTIBLE POLICIES FOR RESI-**  
2 **DENTIAL PROPERTIES.**

3 Section 1306 of the National Flood Insurance Act of  
4 1968 (42 U.S.C. 4013)), as amended by the preceding  
5 provisions of this Act, is further amended by adding at  
6 the end the following new subsection:

7 “(e) **OPTIONAL HIGH-DEDUCTIBLE POLICIES FOR**  
8 **RESIDENTIAL PROPERTIES.**—

9 “(1) **AVAILABILITY.**—In the case of residential  
10 properties, the Administrator shall make flood insur-  
11 ance coverage available, at the option of the insured,  
12 that provides for a loss-deductible for damage to the  
13 covered property in various amounts, up to and in-  
14 cluding \$10,000.

15 “(2) **DISCLOSURE.**—

16 “(A) **FORM.**—The Administrator shall pro-  
17 vide the information described in subparagraph  
18 (B) clearly and conspicuously on the application  
19 form for flood insurance coverage or on a sepa-  
20 rate form, segregated from all unrelated infor-  
21 mation and other required disclosures.

22 “(B) **INFORMATION.**—The information de-  
23 scribed in this subparagraph is—

24 “(i) information sufficient to inform  
25 the applicant of the availability of the cov-  
26 erage option required by paragraph (1) to

1 applicants for flood insurance coverage;  
2 and

3 “(ii) a statement explaining the effect  
4 of a loss-deductible and that, in the event  
5 of an insured loss, the insured is respon-  
6 sible out-of-pocket for losses to the extent  
7 of the deductible selected.”.

8 **SEC. 13. EXCLUSION OF DETACHED STRUCTURES FROM**  
9 **MANDATORY PURCHASE REQUIREMENT.**

10 (a) EXCLUSION.—Subsection (c) of section 102 of the  
11 Flood Disaster Protection Act of 1973 (42 U.S.C.  
12 4012a(c)) is amended by adding at the end the following  
13 new paragraph:

14 “(3) DETACHED STRUCTURES.—Notwith-  
15 standing any other provision of this section, flood in-  
16 surance shall not be required, in the case of any res-  
17 idential property, for any structure that is a part of  
18 such property but is detached from the primary resi-  
19 dential structure of such property and does not serve  
20 as a residence.”.

21 (b) RESPA STATEMENT.—Section 5(b) of the Real  
22 Estate Settlement Procedures Act of 1974 (12 U.S.C.  
23 2604(b)) is amended—

24 (1) in paragraph (14), by inserting before the  
25 period at the end the following: “, and the following

1 statement: ‘Although you may not be required to  
2 maintain flood insurance on all structures, you may  
3 still wish to do so, and your mortgage lender may  
4 still require you to do so to protect the collateral se-  
5 curing the mortgage. If you choose to not maintain  
6 flood insurance on a structure, and it floods, you are  
7 responsible for all flood losses relating to that struc-  
8 ture.’”; and

9 (2) by transferring and inserting paragraph  
10 (14), as so amended, after paragraph (13).

11 **SEC. 14. ACCOUNTING FOR FLOOD MITIGATION ACTIVITIES**

12 **IN ESTIMATES OF PREMIUM RATES.**

13 Subparagraph (A) of section 1307(a)(1) of the Na-  
14 tional Flood Insurance Act of 1968 (42 U.S.C.  
15 4014(a)(1)(A)) is amended to read as follows:

16 “(A) based on consideration of—

17 “(i) the risk involved and accepted ac-  
18 tuarial principles; and

19 “(ii) the flood mitigation activities  
20 that an owner or lessee has undertaken on  
21 a property, including differences in the risk  
22 involved due to land use measures,  
23 floodproofing, flood forecasting, and simi-  
24 lar measures,”.

1 **SEC. 15. HOME IMPROVEMENT FAIRNESS.**

2 Section 1307(a)(2)(E)(ii) of the National Flood In-  
3 surance Act of 1968 (42 U.S.C. 4014(a)(2)(E)(ii)) is  
4 amended by striking “30 percent” and inserting “50 per-  
5 cent”.

6 **SEC. 16. AFFORDABILITY STUDY AND REPORT.**

7 (a) **STUDY ISSUES.**—Subsection (a) of section  
8 100236 of the Biggert-Waters Flood Insurance Reform  
9 Act of 2012 (Public Law 112–141; 126 Stat. 957) is  
10 amended—

11 (1) in paragraph (3), by striking “and” at the  
12 end;

13 (2) in paragraph (4), by striking the period at  
14 the end and inserting a semicolon; and

15 (3) by adding at the end the following new  
16 paragraphs:

17 “(5) options for maintaining affordability if an-  
18 nual premiums for flood insurance coverage were to  
19 increase to an amount greater than 2 percent of the  
20 liability coverage amount under the policy, including  
21 options for enhanced mitigation assistance and  
22 means-tested assistance;

23 “(6) the effects that the establishment of catas-  
24 trophe savings accounts would have regarding long-  
25 term affordability of flood insurance coverage; and

1           “(7) options for modifying the surcharge under  
2           1308A, including based on homeowner income, prop-  
3           erty value or risk of loss.”.

4           (b) **TIMING OF SUBMISSION.**—Notwithstanding the  
5           deadline under section 100236(e) of the Biggert-Waters  
6           Flood Insurance Reform Act of 2012 (Public Law 112–  
7           141; 126 Stat. 957), not later than 18 months after the  
8           date of enactment of this Act, the Administrator shall sub-  
9           mit to the full Committee on Banking, Housing, and  
10          Urban Affairs and the full Committee on Appropriations  
11          of the Senate and the full Committee on Financial Serv-  
12          ices and the full Committee on Appropriations of the  
13          House of Representatives the affordability study and re-  
14          port required under such section 100236.

15          (c) **AFFORDABILITY STUDY FUNDING.**—Section  
16          100236(d) of the Biggert-Waters Flood Insurance Reform  
17          Act of 2012 (Public Law 112–141; 126 Stat. 957) is  
18          amended by striking “\$750,000” and inserting  
19          “\$2,500,000”.

20          **SEC. 17. FLOOD INSURANCE RATE MAP CERTIFICATION.**

21          The Administrator shall implement a flood mapping  
22          program for the National Flood Insurance Program, only  
23          after review by the Technical Mapping Advisory Council,  
24          that, when applied, results in technically credible flood  
25          hazard data in all areas where Flood Insurance Rate Maps

1 are prepared or updated, shall certify in writing to the  
2 Congress when such a program has been implemented,  
3 and shall provide to the Congress the Technical Mapping  
4 Advisory Council review report.

5 **SEC. 18. FUNDS TO REIMBURSE HOMEOWNERS FOR SUC-**  
6 **CESSFUL MAP APPEALS.**

7 (a) IN GENERAL.—Section 1363(f) of the National  
8 Flood Insurance Act of 1968 (42 U.S.C. 4104(f)) is  
9 amended—

10 (1) in the first sentence, by inserting after “as  
11 the case may be,” the following: “or, in the case of  
12 an appeal that is resolved by submission of con-  
13 flicting data to the Scientific Resolution Panel pro-  
14 vided for in section 1363A, the community,”; and

15 (2) by striking the second sentence and insert-  
16 ing the following: “The Administrator may use such  
17 amounts from the National Flood Insurance Fund  
18 established under section 1310 as may be necessary  
19 to carry out this subsection.”.

20 (b) CONFORMING AMENDMENTS.—Section 1310(a)  
21 of the National Flood Insurance Act of 1968 (42 U.S.C.  
22 4017(a)) is amended—

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

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

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

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

5 **SEC. 19. FLOOD PROTECTION SYSTEMS.**

6           (a) ADEQUATE PROGRESS ON CONSTRUCTION OF  
7 FLOOD PROTECTION SYSTEMS.—Section 1307(e) of the  
8 National Flood Insurance Act of 1968 (42 U.S.C.  
9 4014(e)) is amended—

10           (1) in the first sentence, by inserting “or recon-  
11           struction” after “construction”;

12           (2) by amending the second sentence to read as  
13           follows: “The Administrator shall find that adequate  
14           progress on the construction or reconstruction of a  
15           flood protection system, based on the present value  
16           of the completed flood protection system, has been  
17           made only if: (1) 100 percent of the cost of the sys-  
18           tem has been authorized; (2) at least 60 percent of  
19           the cost of the system has been appropriated; (3) at  
20           least 50 percent of the cost of the system has been  
21           expended; and (4) the system is at least 50 percent  
22           completed.”; and

23           (3) by adding at the end the following: “Not-  
24           withstanding any other provision of law, in deter-  
25           mining whether a community has made adequate

1 progress on the construction, reconstruction, or im-  
2 provement of a flood protection system, the Adminis-  
3 trator shall consider all sources of funding, including  
4 Federal, State, and local funds.”.

5 (b) COMMUNITIES RESTORING DISACCREDITED  
6 FLOOD PROTECTION SYSTEMS.—Section 1307(f) of the  
7 National Flood Insurance Act of 1968 (42 U.S.C.  
8 4014(f)) is amended by amending the first sentence to  
9 read as follows: “Notwithstanding any other provision of  
10 law, this subsection shall apply to riverine and coastal lev-  
11 ees that are located in a community which has been deter-  
12 mined by the Administrator of the Federal Emergency  
13 Management Agency to be in the process of restoring flood  
14 protection afforded by a flood protection system that had  
15 been previously accredited on a Flood Insurance Rate Map  
16 as providing 100-year frequency flood protection but no  
17 longer does so, and shall apply without regard to the level  
18 of Federal funding of or participation in the construction,  
19 reconstruction, or improvement of the flood protection sys-  
20 tem.”.

21 **SEC. 20. QUARTERLY REPORTS REGARDING RESERVE**  
22 **FUND RATIO.**

23 Subsection (e) of section 1310A of the National  
24 Flood Insurance Act of 1968 (42 U.S.C. 4017a) is amend-

1 ed, in the matter preceding paragraph (1), by inserting  
2 “, on a calendar quarterly basis,” after “submit”.

3 **SEC. 21. TREATMENT OF FLOODPROOFED RESIDENTIAL**  
4 **BASEMENTS.**

5 The Administrator shall continue to extend excep-  
6 tions and variances for flood-proofed basements consistent  
7 with section 60.6 of title 44, Code of Federal Regulations,  
8 which are effective April 3, 2009; and section 60.3 of such  
9 title, which are effective April 3, 2009.

10 **SEC. 22. EXEMPTION FROM FEES FOR CERTAIN MAP**  
11 **CHANGE REQUESTS.**

12 Notwithstanding any other provision of law, a re-  
13 quester shall be exempt from submitting a review or proc-  
14 essing fee for a request for a flood insurance rate map  
15 change based on a habitat restoration project that is fund-  
16 ed in whole or in part with Federal or State funds, includ-  
17 ing dam removal, culvert redesign or installation, or the  
18 installation of fish passage.

19 **SEC. 23. STUDY OF VOLUNTARY COMMUNITY-BASED FLOOD**  
20 **INSURANCE OPTIONS.**

21 (a) STUDY.—

22 (1) STUDY REQUIRED.—The Administrator  
23 shall conduct a study to assess options, methods,  
24 and strategies for making available voluntary com-

1 munity-based flood insurance policies through the  
2 National Flood Insurance Program.

3 (2) CONSIDERATIONS.—The study conducted  
4 under paragraph (1) shall—

5 (A) take into consideration and analyze  
6 how voluntary community-based flood insurance  
7 policies—

8 (i) would affect communities having  
9 varying economic bases, geographic loca-  
10 tions, flood hazard characteristics or classi-  
11 fications, and flood management ap-  
12 proaches; and

13 (ii) could satisfy the applicable re-  
14 quirements under section 102 of the Flood  
15 Disaster Protection Act of 1973 (42  
16 U.S.C. 4012a); and

17 (B) evaluate the advisability of making  
18 available voluntary community-based flood in-  
19 surance policies to communities, subdivisions of  
20 communities, and areas of residual risk.

21 (3) CONSULTATION.—In conducting the study  
22 required under paragraph (1), the Administrator  
23 may consult with the Comptroller General of the  
24 United States, as the Administrator determines is  
25 appropriate.

1 (b) REPORT BY THE ADMINISTRATOR.—

2 (1) REPORT REQUIRED.—Not later than 18  
3 months after the date of enactment of this Act, the  
4 Administrator shall submit to the Committee on  
5 Banking, Housing, and Urban Affairs of the Senate  
6 and the Committee on Financial Services of the  
7 House of Representatives a report that contains the  
8 results and conclusions of the study conducted under  
9 subsection (a).

10 (2) CONTENTS.—The report submitted under  
11 paragraph (1) shall include recommendations for—

12 (A) the best manner to incorporate vol-  
13 untary community-based flood insurance poli-  
14 cies into the National Flood Insurance Pro-  
15 gram; and

16 (B) a strategy to implement voluntary  
17 community-based flood insurance policies that  
18 would encourage communities to undertake  
19 flood mitigation activities, including the con-  
20 struction, reconstruction, or improvement of  
21 levees, dams, or other flood control structures.

22 (c) REPORT BY COMPTROLLER GENERAL.—Not later  
23 than 6 months after the date on which the Administrator  
24 submits the report required under subsection (b), the  
25 Comptroller General of the United States shall—

1 (1) review the report submitted by the Adminis-  
2 trator; and

3 (2) submit to the Committee on Banking,  
4 Housing, and Urban Affairs of the Senate and the  
5 Committee on Financial Services of the House of  
6 Representatives a report that contains—

7 (A) an analysis of the report submitted by  
8 the Administrator;

9 (B) any comments or recommendations of  
10 the Comptroller General relating to the report  
11 submitted by the Administrator; and

12 (C) any other recommendations of the  
13 Comptroller General relating to community-  
14 based flood insurance policies.

15 **SEC. 24. DESIGNATION OF FLOOD INSURANCE ADVOCATE.**

16 (a) **IN GENERAL.**—The Administrator shall designate  
17 a Flood Insurance Advocate to advocate for the fair treat-  
18 ment of policy holders under the National Flood Insurance  
19 Program and property owners in the mapping of flood  
20 hazards, the identification of risks from flood, and the im-  
21 plementation of measures to minimize the risk of flood.

22 (b) **DUTIES AND RESPONSIBILITIES.**—The duties  
23 and responsibilities of the Flood Insurance Advocate des-  
24 ignated under subsection (a) shall be to—

- 1           (1) educate property owners and policyholders  
2           under the National Flood Insurance Program on—  
3                 (A) individual flood risks;  
4                 (B) flood mitigation;  
5                 (C) measures to reduce flood insurance  
6           rates through effective mitigation;  
7                 (D) the flood insurance rate map review  
8           and amendment process; and  
9                 (E) any changes in the flood insurance  
10           program as a result of any newly enacted laws  
11           (including this Act);
- 12           (2) assist policy holders under the National  
13           Flood Insurance Program and property owners to  
14           understand the procedural requirements related to  
15           appealing preliminary flood insurance rate maps and  
16           implementing measures to mitigate evolving flood  
17           risks;
- 18           (3) assist in the development of regional capac-  
19           ity to respond to individual constituent concerns  
20           about flood insurance rate map amendments and re-  
21           visions;
- 22           (4) coordinate outreach and education with  
23           local officials and community leaders in areas im-  
24           pacted by proposed flood insurance rate map amend-  
25           ments and revisions; and

1           (5) aid potential policy holders under the Na-  
2           tional Flood Insurance Program in obtaining and  
3           verifying accurate and reliable flood insurance rate  
4           information when purchasing or renewing a flood in-  
5           surance policy.

6 **SEC. 25. EXCEPTIONS TO ESCROW REQUIREMENT FOR**  
7                                   **FLOOD INSURANCE PAYMENTS.**

8           (a) IN GENERAL.—Section 102(d)(1) of the Flood  
9           Disaster Protection Act of 1973 (42 U.S.C. 4012a(d)(1))  
10          is amended—

11                   (1) in subparagraph (A), in the second sen-  
12                   tence, by striking “subparagraph (C)” and inserting  
13                   “subparagraph (B)”; and

14                   (2) in subparagraph (B)—

15                           (A) in clause (ii), by redesignating sub-  
16                           clauses (I) and (II) as items (aa) and (bb), re-  
17                           spectively, and adjusting the margins accord-  
18                           ingly;

19                           (B) by redesignating clauses (i) and (ii) as  
20                           subclauses (I) and (II), respectively, and adjust-  
21                           ing the margins accordingly;

22                           (C) in the matter preceding subclause (I),  
23                           as redesignated by subparagraph (B), by strik-  
24                           ing “(A) or (B), if—” and inserting the fol-  
25                           lowing: “(A)—

1 “(i) if—”;

2 (D) by striking the period at the end and  
3 inserting “; or”; and

4 (E) by adding at the end the following

5 “(ii) in the case of a loan that—

6 “(I) is in a junior or subordinate  
7 position to a senior lien secured by  
8 the same residential improved real es-  
9 tate or mobile home for which flood  
10 insurance is being provided at the  
11 time of the origination of the loan;

12 “(II) is secured by residential im-  
13 proved real estate or a mobile home  
14 that is part of a condominium, cooper-  
15 ative, or other project development, if  
16 the residential improved real estate or  
17 mobile home is covered by a flood in-  
18 surance policy that—

19 “(aa) meets the require-  
20 ments that the regulated lending  
21 institution is required to enforce  
22 under subsection (b)(1);

23 “(bb) is provided by the con-  
24 dominium association, coopera-

1           tive, homeowners association, or  
2           other applicable group; and

3                   “(cc) the premium for which  
4           is paid by the condominium asso-  
5           ciation, cooperative, homeowners  
6           association, or other applicable  
7           group as a common expense;

8                   “(III) is secured by residential  
9           improved real estate or a mobile home  
10          that is used as collateral for a busi-  
11          ness purpose;

12                   “(IV) is a home equity line of  
13          credit;

14                   “(V) is a nonperforming loan; or

15                   “(VI) has a term of not longer  
16          than 12 months.”.

17          (b) APPLICABILITY.—

18                  (1) IN GENERAL.—

19                          (A)       REQUIRED       APPLICATION.—The  
20           amendments to section 102(d)(1) of the Flood  
21           Disaster Protection Act of 1973 (42 U.S.C.  
22           4012a(d)(1)) made by section 100209(a) of the  
23           Biggert-Waters Flood Insurance Reform Act of  
24           2012 (Public Law 112–141; 126 Stat. 920) and  
25           by subsection (a) of this section shall apply to

1 any loan that is originated, refinanced, in-  
2 creased, extended, or renewed on or after Janu-  
3 ary 1, 2016.

4 (B) OPTIONAL APPLICATION.—

5 (i) DEFINITIONS.—In this subpara-  
6 graph—

7 (I) the terms “Federal entity for  
8 lending regulation”, “improved real  
9 estate”, “regulated lending institu-  
10 tion”, and “servicer” have the mean-  
11 ings given the terms in section 3 of  
12 the Flood Disaster Protection Act of  
13 1973 (42 U.S.C. 4003);

14 (II) the term “outstanding loan”  
15 means a loan that—

16 (aa) is outstanding as of  
17 January 1, 2016;

18 (bb) is not subject to the re-  
19 quirement to escrow premiums  
20 and fees for flood insurance  
21 under section 102(d)(1) of the  
22 Flood Disaster Protection Act of  
23 1973 (42 U.S.C. 4012a(d)(1)) as  
24 in effect on July 5, 2012; and

1 (cc) would, if the loan had  
2 been originated, refinanced, in-  
3 creased, extended, or renewed on  
4 or after January 1, 2016, be sub-  
5 ject to the requirements under  
6 section 102(d)(1)(A) of the Flood  
7 Disaster Protection Act of 1973,  
8 as amended; and

9 (III) the term “section  
10 102(d)(1)(A) of the Flood Disaster  
11 Protection Act of 1973, as amended”  
12 means section 102(d)(1)(A) of the  
13 Flood Disaster Protection Act of 1973  
14 (42 U.S.C. 4012a(d)(1)(A)), as  
15 amended by—

16 (aa) section 100209(a) of  
17 the Biggert-Waters Flood Insur-  
18 ance Reform Act of 2012 (Public  
19 Law 112–141; 126 Stat. 920);  
20 and

21 (bb) subsection (a) of this  
22 section.

23 (ii) OPTION TO ESCROW FLOOD IN-  
24 SURANCE PAYMENTS.—Each Federal enti-  
25 ty for lending regulation (after consulta-

1           tion and coordination with the Federal Fi-  
2           nancial Institutions Examination Council)  
3           shall, by regulation, direct that each regu-  
4           lated lending institution or servicer of an  
5           outstanding loan shall offer and make  
6           available to a borrower the option to have  
7           the borrower's payment of premiums and  
8           fees for flood insurance under the National  
9           Flood Insurance Act of 1968 (42 U.S.C.  
10          4001 et seq.), including the escrow of such  
11          payments, be treated in the same manner  
12          provided under section 102(d)(1)(A) of the  
13          Flood Disaster Protection Act of 1973, as  
14          amended.

15           (2) REPEAL OF 2-YEAR DELAY ON APPLICA-  
16          BILITY.—Subsection (b) of section 100209 of the  
17          Biggert-Waters Flood Insurance Reform Act of  
18          2012 (Public Law 112–141; 126 Stat. 920) is re-  
19          pealed.

20           (3) RULE OF CONSTRUCTION.—Nothing in this  
21          section or the amendments made by this section  
22          shall be construed to supersede, during the period  
23          beginning on July 6, 2012 and ending on December  
24          31, 2015, the requirements under section 102(d)(1)

1 of the Flood Disaster Protection Act of 1973 (42  
2 U.S.C. 4012a(d)(1)), as in effect on July 5, 2012.

3 **SEC. 26. FLOOD MITIGATION METHODS FOR BUILDINGS.**

4 (a) GUIDELINES.—

5 (1) IN GENERAL.—Section 1361 of the Na-  
6 tional Flood Insurance Act of 1968 (42 U.S.C.  
7 4102) is amended by adding at the end the following  
8 new subsection:

9 “(d) FLOOD MITIGATION METHODS FOR BUILD-  
10 INGS.—The Administrator shall establish guidelines for  
11 property owners that—

12 “(1) provide alternative methods of mitigation,  
13 other than building elevation, to reduce flood risk to  
14 residential buildings that cannot be elevated due to  
15 their structural characteristics, including—

16 “(A) types of building materials; and

17 “(B) types of floodproofing; and

18 “(2) inform property owners about how the im-  
19 plementation of mitigation methods described in  
20 paragraph (1) may affect risk premium rates for  
21 flood insurance coverage under the National Flood  
22 Insurance Program.”.

23 (2) ISSUANCE.—The Administrator shall issue  
24 the guidelines required under section 1361(d) of the  
25 National Flood Insurance Act of 1968 (42 U.S.C.

1 4102(d)), as added by the amendment made by  
2 paragraph (1) of this subsection, not later than the  
3 expiration of the 1-year period beginning on the date  
4 of the enactment of this Act.

5 (b) CALCULATION OF RISK PREMIUM RATES.—Sec-  
6 tion 1308 of the National Flood Insurance Act of 1968  
7 (42 U.S.C. 4015), as amended by the preceding provisions  
8 of this Act, is further amended by adding at the end the  
9 following new subsection:

10 “(k) CONSIDERATION OF MITIGATION METHODS.—  
11 In calculating the risk premium rate charged for flood in-  
12 surance for a property under this section, the Adminis-  
13 trator shall take into account the implementation of any  
14 mitigation method identified by the Administrator in the  
15 guidance issued under section 1361(d) (42 U.S.C.  
16 4102(d)).”.

17 **SEC. 27. MAPPING OF NON-STRUCTURAL FLOOD MITIGA-**  
18 **TION FEATURES.**

19 Section 100216 of the Biggert-Waters Flood Insur-  
20 ance Reform Act of 2012 (42 U.S.C. 4101b) is amended—

21 (1) in subsection (b)(1)(A)—

22 (A) in clause (iv), by striking “and” at the  
23 end;

24 (B) by redesignating clause (v) as clause  
25 (vi);

1 (C) by inserting after clause (iv) the fol-  
2 lowing new clause:

3 “(v) areas that are protected by non-  
4 structural flood mitigation features; and”;  
5 and

6 (D) in clause (vi) (as so redesignated), by  
7 inserting before the semicolon at the end the  
8 following: “and by non-structural flood mitiga-  
9 tion features”; and  
10 (2) in subsection (d)(1)—

11 (A) by redesignating subparagraphs (A)  
12 through (C) as subparagraphs (B) through (D),  
13 respectively;

14 (B) in subparagraph (C) (as so redesign-  
15 ated), by striking “subparagraph (A)” and in-  
16 serting “subparagraph (B)”; and

17 (C) by inserting before subparagraph (B)  
18 (as so redesignated) the following new subpara-  
19 graph:

20 “(A) work with States, local communities,  
21 and property owners to identify areas and fea-  
22 tures described in subsection (b)(1)(A)(v);”.

23 **SEC. 28. CLEAR COMMUNICATIONS.**

24 Section 1308 of the National Flood Insurance Act of  
25 1968 (42 U.S.C. 4015), as amended by the preceding pro-

1 visions of this Act, is further amended by adding at the  
2 end the following new subsection:

3 “(l) CLEAR COMMUNICATIONS.—The Administrator  
4 shall clearly communicate full flood risk determinations to  
5 individual property owners regardless of whether their pre-  
6 mium rates are full actuarial rates.”.

7 **SEC. 29. PROTECTION OF SMALL BUSINESSES, NON-PROF-**  
8 **ITS, HOUSES OF WORSHIP, AND RESIDENCES.**

9 Section 1308 of the National Flood Insurance Act of  
10 1968 (42 U.S.C. 4015), as amended by the preceding pro-  
11 visions of this Act, is further amended by adding at the  
12 end the following new subsection:

13 “(m) PROTECTION OF SMALL BUSINESSES, NON-  
14 PROFITS, HOUSES OF WORSHIP, AND RESIDENCES.—

15 “(1) REPORT.—Not later than 18 months after  
16 the date of the enactment of this section and semi-  
17 annually thereafter, the Administrator shall monitor  
18 and report to Committee on Financial Services of  
19 the House Representatives and the Committee on  
20 Banking, Housing, and Urban Affairs of the Senate,  
21 the Administrator’s assessment of the impact, if any,  
22 of the rate increases required under subparagraphs  
23 (A) and (D) of section 1307(a)(2) and the sur-  
24 charges required under section 1308A on the afford-  
25 ability of flood insurance for—

1           “(A) small businesses with less than 100  
2 employees;

3           “(B) non-profit entities;

4           “(C) houses of worship; and

5           “(D) residences with a value equal to or  
6 less than 25 percent of the median home value  
7 of properties in the State in which the property  
8 is located.

9           “(2) RECOMMENDATIONS.—If the Adminis-  
10 trator determines that the rate increases or sur-  
11 charges described in paragraph (1) are having a det-  
12 rimental effect on affordability, including resulting  
13 in lapsed policies, late payments, or other criteria re-  
14 lated to affordability as identified by the Adminis-  
15 trator, for any of the properties identified in sub-  
16 paragraphs (A) through (D) of such paragraph, the  
17 Administrator shall, not later than 3 months after  
18 making such a determination, make such rec-  
19 ommendations as the Administrator considers appro-  
20 priate to improve affordability to the Committee on  
21 Financial Services of the House Representatives and  
22 the Committee on Banking, Housing, and Urban Af-  
23 fairs of the Senate.”.

1 **SEC. 30. MAPPING.**

2 Section 100216(d)(1) of the Biggert-Waters Flood  
3 Insurance Reform Act of 2012 (42 U.S.C. 4101b(d)(1))  
4 is amended—

5 (1) in subparagraph (B)—

6 (A) by striking “subparagraph (A)” and  
7 inserting “subparagraph (D)”; and

8 (B) by striking “and” at the end;

9 (2) by redesignating subparagraphs (A), (B),  
10 and (C) as subparagraphs (D), (E), and (G), respec-  
11 tively;

12 (3) by inserting before subparagraph (B), as so  
13 redesignated, the following new subparagraphs:

14 “(A) before commencement of any map-  
15 ping or map updating process, notify each com-  
16 munity affected of the model or models that the  
17 Administrator plans to use in such process and  
18 provide an explanation of why such model or  
19 models are appropriate;

20 “(B) provide each community affected a  
21 30-day period beginning upon notification under  
22 subparagraph (A) to consult with the Adminis-  
23 trator regarding the appropriateness, with re-  
24 spect to such community, of the mapping model  
25 or models to be used; provided that consultation  
26 by a community pursuant to this subparagraph

1 shall not waive or otherwise affect any right of  
2 the community to appeal any flood hazard de-  
3 terminations;

4 “(C) upon completion of the first Inde-  
5 pendent Data Submission, transmit a copy of  
6 such Submission to the affected community,  
7 provide the affected community a 30-day period  
8 during which the community may provide data  
9 to Administrator that can be used to supple-  
10 ment or modify the existing data, and incor-  
11 porate any data that is consistent with pre-  
12 vailing engineering principles;” and

13 (4) by inserting after subparagraph (E), as so  
14 redesignated, the following new subparagraph:

15 “(F) not less than 30 days before issuance  
16 of any preliminary map, notify the Senators for  
17 each State affected and each Member of the  
18 House of Representatives for each congressional  
19 district affected by the preliminary map in writ-  
20 ing of—

21 “(i) the estimated schedule for—

22 “(I) community meetings regard-  
23 ing the preliminary map;

1 “(II) publication of notices re-  
2 garding the preliminary map in local  
3 newspapers; and

4 “(III) the commencement of the  
5 appeals process regarding the map;  
6 and

7 “(ii) the estimated number of homes  
8 and businesses that will be affected by  
9 changes contained in the preliminary map,  
10 including how many structures will be that  
11 were not previously located in an area hav-  
12 ing special flood hazards will be located  
13 within such an area under the preliminary  
14 map; and”.

15 **SEC. 31. DISCLOSURE.**

16 (a) CHANGES IN RATES RESULTING FROM THIS  
17 ACT.—Not later than the date that is 6 months before  
18 the date on which any change in risk premium rates for  
19 flood insurance coverage under the National Flood Insur-  
20 ance Program resulting from this Act or any amendment  
21 made by this Act is implemented, the Administrator shall  
22 make publicly available the rate tables and underwriting  
23 guidelines that provide the basis for the change.

24 (b) REPORT ON POLICY AND CLAIMS DATA.—

1           (1) IN GENERAL.—Not later than 90 days after  
2 the date of enactment of this Act, the Administrator  
3 shall submit to the Congress a report on the feasi-  
4 bility of—

5           (A) releasing property-level policy and  
6 claims data for flood insurance coverage under  
7 the National Flood Insurance Program; and

8           (B) establishing guidelines for releasing  
9 property-level policy and claims data for flood  
10 insurance coverage under the National Flood  
11 Insurance Program in accordance with section  
12 552a of title 5, United States Code (commonly  
13 known as the Privacy Act of 1974).

14           (2) CONTENTS.—The report submitted under  
15 paragraph (1) shall include—

16           (A) an analysis and assessment of how re-  
17 leasing property-level policy and claims data for  
18 flood insurance coverage under the National  
19 Flood Insurance Program will aid policy holders  
20 and insurers to understand how the Adminis-  
21 tration determines actuarial premium rates and  
22 assesses flood risks; and

23           (B) recommendations for protecting per-  
24 sonal information in accordance with section

1           552a of title 5, United States Code (commonly  
2           known as the Privacy Act of 1974).

          Passed the House of Representatives March 4,  
2014.

Attest:

KAREN L. HAAS,  
*Clerk.*

Calendar No. 317

113<sup>TH</sup> CONGRESS  
2D SESSION

**H. R. 3370**

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**AN ACT**

To delay the implementation of certain provisions  
of the Biggert-Waters Flood Insurance Reform  
Act of 2012, and for other purposes.

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MARCH 6, 2014

Read the second time and placed on the calendar