

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

**AMENDMENT TO H.R. 1309, AS REPORTED
OFFERED BY MS. WATERS OF CALIFORNIA**

Page 23, line 17, strike “section 1361A(b)” and insert “section 1366(j)”.

Strike line 10 on page 47 and all that follows through page 48, line 15.

Strike line 16 on page 48 and all that follows through page 49, line 19 and insert the following new section:

1 SEC. 12. MITIGATION ASSISTANCE.

2 (a) MITIGATION ASSISTANCE GRANTS.—Section
3 1366 of the National Flood Insurance Act of 1968 (42
4 U.S.C. 4104e) is amended—

5 (1) in subsection (a), by striking the last sen-
6 tence and inserting the following: “Such financial
7 assistance shall be made available—

8 “(1) to States and communities in the form of
9 grants under this section for carrying out mitigation
10 activities;

11 “(2) to States and communities in the form of
12 grants under this section for carrying out mitigation

1 activities that reduce flood damage to severe repet-
2 itive loss structures; and

3 “(3) to property owners in the form of direct
4 grants under this section for carrying out mitigation
5 activities that reduce flood damage to individual
6 structures for which 2 or more claim payments for
7 losses have been made under flood insurance cov-
8 erage under this title if the Administrator, after con-
9 sultation with the State and community, determines
10 that neither the State nor community in which such
11 a structure is located has the capacity to manage
12 such grants.”.

13 (2) by striking subsection (b);

14 (3) in subsection (c)—

15 (A) by striking “flood risk” and inserting
16 “multi-hazard”;

17 (B) by striking “provides protection
18 against” and inserting “examines reduction of”;

19 and

20 (C) by redesignating such subsection as
21 subsection (b);

22 (4) by striking subsection (d);

23 (5) in subsection (e)—

24 (A) in paragraph (1), by striking the para-
25 graph designation and all that follows through

1 the end of the first sentence and inserting the
2 following:

3 “(1) REQUIREMENT OF CONSISTENCY WITH AP-
4 PROVED MITIGATION PLAN.—Amounts provided
5 under this section may be used only for mitigation
6 activities that are consistent with mitigation plans
7 that are approved by the Administrator and identi-
8 fied under subparagraph (4).”;

9 (B) by striking paragraphs (2), (3), and
10 (4) and inserting the following new paragraphs:

11 “(2) REQUIREMENTS OF TECHNICAL FEASI-
12 BILITY, COST EFFECTIVENESS, AND INTEREST OF
13 NTF.—The Administrator may approve only mitiga-
14 tion activities that the Administrator determines are
15 technically feasible and cost-effective and in the in-
16 terest of, and represent savings to, the National
17 Flood Insurance Fund. In making such determina-
18 tions, the Administrator shall take into consideration
19 recognized benefits that are difficult to quantify.

20 “(3) PRIORITY FOR MITIGATION ASSISTANCE.—
21 In providing grants under this section for mitigation
22 activities, the Administrator shall give priority for
23 funding to activities that the Administrator deter-
24 mines will result in the greatest savings to the Na-

1 tional Flood Insurance Fund, including activities
2 for—

3 “(A) severe repetitive loss structures;

4 “(B) repetitive loss structures; and

5 “(C) other subsets of structures as the Ad-
6 ministrator may establish.”;

7 (C) in paragraph (5)—

8 (i) by striking all of the matter that
9 precedes subparagraph (A) and inserting
10 the following:

11 “(4) ELIGIBLE ACTIVITIES.—Eligible ac-
12 tivities may include—”;

13 (ii) by striking subparagraphs (E) and
14 (H);

15 (iii) by redesignating subparagraphs
16 (D), (F), and (G) as subparagraphs (F),
17 (H), and (I);

18 (iv) by inserting after subparagraph
19 (C) the following new subparagraphs:

20 “(D) demolition and rebuilding of prop-
21 erties to at least base flood elevation or greater,
22 if required by the Administrator or if required
23 by any State regulation or local ordinance, and
24 in accordance with criteria established by the
25 Administrator;

1 “(E) elevation, relocation, and
2 floodproofing of utilities (including equipment
3 that serve structures);”;

4 (v) by inserting after subparagraph
5 (F), as so redesignated by clause (iii) of
6 this subparagraph, the following new sub-
7 paragraph:

8 “(G) the development or update of State,
9 local, or Indian tribal mitigation plans which
10 meet the planning criteria established by the
11 Administrator, except that the amount from
12 grants under this section that may be used
13 under this subparagraph may not exceed
14 \$50,000 for any mitigation plan of a State or
15 \$25,000 for any mitigation plan of a local gov-
16 ernment or Indian tribe;”;

17 (vi) in subparagraph (I); as so reded-
18 igned by clause (iii) of this subpara-
19 graph, by striking “and” at the end; and

20 (vii) by adding at the end the fol-
21 lowing new subparagraphs:

22 “(J) other mitigation activities not de-
23 scribed in subparagraphs (A) through (H) or
24 the regulations issued under subparagraph (I),

1 that are described in the mitigation plan of a
2 State, community, or Indian tribe; and

3 “(K) personnel costs for State staff that
4 provide technical assistance to communities to
5 identify eligible activities, to develop grant ap-
6 plications, and to implement grants awarded
7 under this section, not to exceed \$50,000 per
8 State in any Federal fiscal year, so long as the
9 State applied for and was awarded at least
10 \$1,000,000 in grants available under this sec-
11 tion in the prior Federal fiscal year; the re-
12 quirements of subsections (d)(1) and (d)(2)
13 shall not apply to the activity under this sub-
14 paragraph.”; and

15 (D) by redesignating such subsection as
16 subsection (e);

17 (6) by striking subsections (f), (g), and (h) and
18 inserting the following new subsection:

19 “(d) MATCHING REQUIREMENT.—The Administrator
20 may provide grants for eligible mitigation activities as fol-
21 lows:

22 “(1) SEVERE REPETITIVE LOSS STRUCTURES.—
23 In the case of mitigation activities to severe repet-
24 itive loss structures, in an amount up to 100 percent
25 of all eligible costs.

1 “(2) REPETITIVE LOSS STRUCTURES.—In the
2 case of mitigation activities to repetitive loss struc-
3 tures, in an amount up to 90 percent of all eligible
4 costs.

5 “(3) OTHER MITIGATION ACTIVITIES.— In the
6 case of all other mitigation activities, in an amount
7 up to 75 percent of all eligible costs.”;

8 (7) in subsection (i)—

9 (A) in paragraph (2)—

10 (i) by striking “certified under sub-
11 section (g)” and inserting “required under
12 subsection (d)”;

13 (ii) by striking “3 times the amount”
14 and inserting “the amount”;

15 (B) by redesignating such subsection as
16 subsection (e);

17 (8) in subsection (j)—

18 (A) in paragraph (1), by striking “Riegle
19 Community Development and Regulatory Im-
20 provement Act of 1994” and inserting “Flood
21 Insurance Reform Act of 2011”;

22 (B) by redesignating such subsection as
23 subsection (f); and

24 (9) by striking subsections (k) and (m) and in-
25 serting the following new subsections:

1 “(g) FAILURE TO MAKE GRANT AWARD WITHIN 5
2 YEARS.—For any application for a grant under this sec-
3 tion for which the Administrator fails to make a grant
4 award within 5 years of the date of application, the grant
5 application shall be considered to be denied and any fund-
6 ing amounts allocated for such grant applications shall re-
7 main in the National Flood Mitigation Fund under section
8 1367 of this title and shall be made available for grants
9 under this section.

10 “(h) LIMITATION ON FUNDING FOR MITIGATION AC-
11 TIVITIES FOR SEVERE REPETITIVE LOSS STRUCTURES.—
12 The amount used pursuant to section 1310(a)(8) in any
13 fiscal year may not exceed \$40,000,000 and shall remain
14 available until expended.

15 “(i) DEFINITIONS.—For purposes of this section, the
16 following definitions shall apply:

17 “(1) COMMUNITY.—The term ‘community’
18 means—

19 “(A) a political subdivision that—

20 “(i) has zoning and building code ju-
21 risdiction over a particular area having
22 special flood hazards, and

23 “(ii) is participating in the national
24 flood insurance program; or

1 “(B) a political subdivision of a State, or
2 other authority, that is designated by political
3 subdivisions, all of which meet the requirements
4 of subparagraph (A), to administer grants for
5 mitigation activities for such political subdivi-
6 sions.

7 “(2) REPETITIVE LOSS STRUCTURE.—The term
8 ‘repetitive loss structure’ has the meaning given
9 such term in section 1370.

10 “(3) SEVERE REPETITIVE LOSS STRUCTURE.—
11 The term ‘severe repetitive loss structure’ means a
12 structure that—

13 “(A) is covered under a contract for flood
14 insurance made available under this title; and

15 “(B) has incurred flood-related damage—

16 “(i) for which 4 or more separate
17 claims payments have been made under
18 flood insurance coverage under this title,
19 with the amount of each such claim ex-
20 ceeding \$15,000, and with the cumulative
21 amount of such claims payments exceeding
22 \$60,000; or

23 “(ii) for which at least 2 separate
24 claims payments have been made under
25 such coverage, with the cumulative amount

1 of such claims exceeding the value of the
2 insured structure.”.

3 (b) ELIMINATION OF GRANTS PROGRAM FOR REPET-
4 ITIVE INSURANCE CLAIMS PROPERTIES.—Chapter I of
5 the National Flood Insurance Act of 1968 is amended by
6 striking section 1323 (42 U.S.C. 4030).

7 (c) ELIMINATION OF PILOT PROGRAM FOR MITIGA-
8 TION OF SEVERE REPETITIVE LOSS PROPERTIES.—Chap-
9 ter III of the National Flood Insurance Act of 1968 is
10 amended by striking section 1361A (42 U.S.C. 4102a).

11 (d) NATIONAL FLOOD INSURANCE FUND.—Section
12 1310(a) of the National Flood Insurance Act of 1968 (42
13 U.S.C. 4017(a)) is amended—

14 (1) in paragraph (6), by inserting “and” after
15 the semicolon;

16 (2) in paragraph (7), by striking the semicolon
17 and inserting a period; and

18 (3) by striking paragraphs (8) and (9).

19 (e) NATIONAL FLOOD MITIGATION FUND.—Section
20 1367 of the National Flood Insurance Act of 1968 (42
21 U.S.C. 4104d) is amended—

22 (1) in subsection (b)—

23 (A) by striking paragraph (1) and insert-
24 ing the following new paragraph:

1 “(1) in each fiscal year, from the National
2 Flood Insurance Fund in amounts not exceeding
3 \$90,000,000 to remain available until expended, of
4 which—

5 “(A) not more than \$40,000,000 shall be
6 available pursuant to subsection (a) of this sec-
7 tion only for assistance described in section
8 1366(a)(1);

9 “(B) not more than \$40,000,000 shall be
10 available pursuant to subsection (a) of this sec-
11 tion only for assistance described in section
12 1366(a)(2); and

13 “(C) not more than \$10,000,000 shall be
14 available pursuant to subsection (a) of this sec-
15 tion only for assistance described in section
16 1366(a)(3).”.

17 (B) in paragraph (3), by striking “section
18 1366(i)” and inserting “section 1366(e”;

19 (2) in subsection (c), by striking “sections 1366
20 and 1323” and inserting “section 1366”;

21 (3) by redesignating subsections (d) and (e) as
22 subsections (f) and (g), respectively; and

23 (4) by inserting after subsection (c) the fol-
24 lowing new subsections:

1 “(d) PROHIBITION ON OFFSETTING COLLECTIONS.—
2 Notwithstanding any other provision of this title, amounts
3 made available pursuant to this section shall not be sub-
4 ject to offsetting collections through premium rates for
5 flood insurance coverage under this title.

6 “(e) CONTINUED AVAILABILITY AND REALLOCA-
7 TION.—Any amounts made available pursuant to subpara-
8 graph (A), (B), or (C) of subsection (b)(1) that are not
9 used in any fiscal year shall continue to be available for
10 the purposes specified in such subparagraph of subsection
11 (b)(1) pursuant to which such amounts were made avail-
12 able, unless the Administrator determines that realloca-
13 tion of such unused amounts to meet demonstrated need
14 for other mitigation activities under section 1366 is in the
15 best interest of the National Flood Insurance Fund.”.

16 “(f) INCREASED COST OF COMPLIANCE COVERAGE.—
17 Section 1304(b)(4) of the National Flood Insurance Act
18 of 1968 (42 U.S.C. 4011(b)(4)) is amended—

- 19 (1) by striking subparagraph (B); and
20 (2) by redesignating subparagraphs (C), (D),
21 and (E) as subparagraphs (B), (C), and (D), respec-
22 tively.

