

116TH CONGRESS
1ST SESSION

S. 2170

To amend the Biggert-Waters Flood Insurance Reform Act of 2012 to make reforms to flood mapping programs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 18, 2019

Mr. WICKER introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To amend the Biggert-Waters Flood Insurance Reform Act of 2012 to make reforms to flood mapping programs, 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.**

4 This Act may be cited as the “Municipality Empower-
5 ment Mapping Achievement Act of 2019” or the “MEMA
6 Act of 2019”.

7 **SEC. 2. NATIONAL FLOOD MAPPING PROGRAM.**

8 (a) IN GENERAL.—Section 100216 of the Biggert-
9 Waters Flood Insurance Reform Act of 2012 (42 U.S.C.
10 4101b) is amended—

1 (1) in subsection (b)(1)—

2 (A) in subparagraph (A), by striking “to—
3 ” and all that follows through the end of clause
4 (vi) and inserting “to all areas of the United
5 States;”;

6 (B) in subparagraph (B), by striking
7 “and” at the end;

8 (C) in subparagraph (C), by striking “ac-
9 curate topography” and all that follows through
10 the period at the end and inserting “current
11 and best remote sensing technology; and”;

12 (D) by adding at the end the following:

13 “(D) when appropriate, partner with other
14 Federal agencies and private entities in order to
15 meet the objectives of the program.”;

16 (2) by redesignating subsection (f) as sub-
17 section (g); and

18 (3) by inserting after subsection (e) the fol-
19 lowing:

20 “(f) INCORPORATING BUILDING-SPECIFIC FLOOD
21 RISK INFORMATION.—

22 “(1) ESTABLISHMENT.—

23 “(A) IN GENERAL.—Not later than 5 years
24 after the date of enactment of the Municipality
25 Empowerment Mapping Achievement Act of

1 2019, the Administrator, in coordination with,
2 and as recommended by, the Technical Mapping
3 Advisory Council, shall establish a dynamic,
4 database-derived digital display environment for
5 flood hazard risk production and dissemination.

6 “(B) CONSULTATION WITH STATES AND
7 COMMUNITIES.—In designing and constructing
8 the environment under subparagraph (A), the
9 Administrator shall—

10 “(i) leverage and partner with States
11 and communities that have successfully im-
12 plemented the same approach; and

13 “(ii) consider adopting the techniques
14 and technologies used by States and com-
15 munities described in clause (i) and apply-
16 ing those techniques and technologies na-
17 tionwide.

18 “(2) DIGITAL DISPLAY.—

19 “(A) IN GENERAL.—In carrying out para-
20 graph (1), the Administrator shall create a dig-
21 ital display prompted through dynamic querying
22 of a spatial, relational building database that
23 may not be publically disseminated and that in-
24 cludes—

1 “(i) special flood hazard areas and
2 base flood elevations for purposes of lender
3 compliance with the requirements under
4 section 102 of the Flood Disaster Protec-
5 tion Act of 1973 (42 U.S.C. 4012a); and

6 “(ii) structure-specific flood risk infor-
7 mation, including, for each property ad-
8 dress—

9 “(I) the spatial footprint and ele-
10 vation of the structure relative to spe-
11 cial flood hazard areas and base flood
12 elevations;

13 “(II) the most current elevation
14 certificate applicable to the property;

15 “(III) any letter of map changes;

16 “(IV) the full risk premium rate
17 estimated for the structure under sec-
18 tion 1307(a)(1) of the National Flood
19 Insurance Act of 1968 (42 U.S.C.
20 4014(a)(1)) based on elevation data;

21 “(V) the disclosure described in
22 section 1308(l) of the National Flood
23 Insurance Act of 1968 (42 U.S.C.
24 4015(l)), which shall include—

1 “(aa) the extent to which, if
2 any, the chargeable premium rate
3 applicable to the property is less
4 than the full risk premium rate
5 under section 1307(a)(1) of that
6 Act (42 U.S.C. 4014(a)(1)); and

7 “(bb) an explanation of the
8 difference described in item (aa)
9 and the methodology used to rate
10 the property;

11 “(VI) the estimated cost to re-
12 pair the structure in the case of dam-
13 age from floods with recurrence inter-
14 vals ranging from the 10 percent an-
15 nual chance event to the 0.2 percent
16 annual chance event;

17 “(VII) the cost-effectiveness of
18 mitigating the structure using com-
19 mon methods and how the chargeable
20 premium rate would change based on
21 each mitigation method; and

22 “(VIII) the claims history of the
23 structure, including the amount and
24 date of each loss.

1 “(B) PRIVACY REQUIREMENTS.—With re-
2 spect to the database described in subparagraph
3 (A), including any data used to create that
4 database, the Administrator may not dissemi-
5 nate the database to—

6 “(i) the public; or

7 “(ii) a private company for use by the
8 private company.

9 “(3) DATABASE.—

10 “(A) IN GENERAL.—The Administrator
11 shall—

12 “(i) develop a spatial, relational data-
13 base of buildings in the national flood in-
14 surance program; and

15 “(ii) obtain the data necessary to sup-
16 port the digital display created under para-
17 graph (2).

18 “(B) DATA.—The data obtained under
19 subparagraph (A) shall include, at a min-
20 imum—

21 “(i) footprints and elevations (includ-
22 ing lowest adjacent grade and first floor)
23 from Light Detection and Ranging (com-
24 monly known as ‘LiDAR’) data collections
25 or other data collection methods that meet

1 or exceed the standards for buildings, as
2 determined by the Administrator;

3 “(ii) elevation certificates;

4 “(iii) parcel, address, and imagery
5 data necessary for the identification, as-
6 sessment, and reduction of flood hazards
7 for individual properties;

8 “(iv) flood insurance rate maps, stud-
9 ies, and supporting data;

10 “(v) letters of map change; and

11 “(vi) any other data that the Adminis-
12 trator determines necessary to collect to
13 meet the objectives of this section.

14 “(4) DATA PROCUREMENT.—The Administrator
15 shall obtain any data necessary to establish the envi-
16 ronment under paragraph (1), including by—

17 “(A) directing communities participating
18 in the National Flood Insurance Program, by
19 regulation, to collect and supply information,
20 including elevation data, for each structure that
21 obtains a construction or other development
22 permit within—

23 “(i) a special flood hazard area; or

24 “(ii) an advisory special flood hazard
25 area adopted by the community;

1 “(B) issuing guidelines and standards, as
2 determined by the Administrator;

3 “(C) partnering with other Federal, State,
4 local, and private stakeholders to the greatest
5 extent possible to obtain and share existing
6 data that meets or exceeds the standards deter-
7 mined by the Administrator under subpara-
8 graph (B); and

9 “(D) contracting with private companies to
10 obtain new LiDAR data collections or elevation
11 certificates.

12 “(5) NFIP PREMIUM CREDIT.—The Adminis-
13 trator shall provide a 1-time premium credit of not
14 more than \$500 to a policyholder for the purchase
15 of an elevation certificate.

16 “(6) MASS LETTERS OF MAP CHANGE.—In co-
17 ordination with States and communities that have
18 successfully implemented a dynamic, database-de-
19 rived digital display environment for flood hazard
20 risk production and dissemination, the Adminis-
21 trator shall issue guidelines for the adoption and in-
22 tegration into the National Flood Mapping Program
23 of LiDAR-based letter of map amendment ap-
24 proaches.

1 “(7) ANNUAL REPORT.—The Administrator
2 shall submit to the Committee on Banking, Housing,
3 and Urban Affairs of the Senate and the Committee
4 on Financial Services of the House of Representa-
5 tives an annual progress report on the implementa-
6 tion of this subsection, which shall include rec-
7 ommendations to reduce the cost and improve the
8 implementation of this subsection.”.

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

12 “(k) REIMBURSEMENT AUTHORITY.—With respect to
13 any State or local agency that assists the Administrator
14 in carrying out the responsibilities of the Administrator
15 under subsection (a)(2), the Administrator may reimburse
16 the State or local agency for the cost of providing that
17 assistance if the State or local agency, in providing the
18 assistance, complies with—

19 “(1) any standards established by the Adminis-
20 trator under this section; and

21 “(2) the guidance document entitled ‘Guidance
22 for Flood Risk Analysis and Mapping: Physical Map
23 Revision (PMR)’, published by the Administrator in
24 November 2016.”.

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