

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.

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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

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## 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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