

119TH CONGRESS
1ST SESSION

S. _____

To amend the Homeowner Flood Insurance Affordability Act of 2014 to address ecosystem restoration projects, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mrs. MURRAY (for herself and Mr. DAINES) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To amend the Homeowner Flood Insurance Affordability Act of 2014 to address ecosystem restoration projects, 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 “Floodplain Enhance-
5 ment and Recovery Act”.

6 **SEC. 2. ECOSYSTEM RESTORATION PROJECTS.**

7 (a) IN GENERAL.—Section 22 of the Homeowner
8 Flood Insurance Affordability Act of 2014 (42 U.S.C.
9 4101e) is amended to read as follows:

1 **“SEC. 22. ECOSYSTEM RESTORATION PROJECTS.**

2 “(a) DEFINITION.—In this section, the term ‘eco-
3 system restoration project’ means a project proposed for
4 the primary purpose of manipulating the physical, chem-
5 ical, or biological characteristics of a site with the goal
6 of—

7 “(1) recovering natural and beneficial functions
8 to a former or degraded aquatic resource or flood-
9 plain; or

10 “(2) enhancing, accelerating, reclaiming, or im-
11 proving a specific, natural, and beneficial function of
12 an aquatic resource or floodplain.

13 “(b) EXEMPTION FROM FEES FOR FLOOD HAZARD
14 CHANGE REQUESTS FOR ECOSYSTEM RESTORATION
15 PROJECTS.—Notwithstanding any other provision of law,
16 a requester shall be exempt from submitting a review or
17 processing fee for a request for a flood insurance rate map
18 change based on an ecosystem restoration project.

19 “(c) EXEMPTION FROM CONDITIONAL APPROVAL
20 FOR CERTAIN ECOSYSTEM RESTORATION PROJECTS.—A
21 community may permit an ecosystem restoration project
22 within an adopted regulatory floodway that would result
23 in an increase in base flood elevations, if—

24 “(1) a professional engineer uses the best judg-
25 ment of the engineer to determine that the cumu-
26 lative effect of the proposed ecosystem restoration

1 project, when combined with all other existing devel-
2 opment, will not increase the water surface elevation
3 of the base flood by more than 1 foot (or a greater
4 amount or metric determined appropriate by the Ad-
5 ministrator);

6 “(2) no insurable structure or any critical infra-
7 structure is located in an area that would be ad-
8 versely impacted by the increased base flood ele-
9 vation; and

10 “(3) not later than 180 days after the date on
11 which the ecosystem restoration project is completed,
12 the community submits to the Administrator an
13 analysis regarding the changed conditions caused by
14 the ecosystem restoration project.

15 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-
16 tion may be construed to affect the procedure (as in effect
17 on the day before the date of enactment of the Floodplain
18 Enhancement and Recovery Act) for providing notification
19 to a landowner with respect to development in a regulatory
20 floodway.”.

21 (b) TECHNICAL AND CONFORMING AMENDMENT.—
22 The table of contents for the Homeowner Flood Insurance
23 Affordability Act of 2014 (Public Law 113–89) is amend-
24 ed by striking the item relating to section 22 and inserting
25 the following:

“Sec. 22. Ecosystem restoration projects.”.

1 (c) GUIDANCE.—

2 (1) DEFINITIONS.—In this subsection:

3 (A) ADMINISTRATOR.—The term “Admin-
4 istrator” means the Administrator of the Fed-
5 eral Emergency Management Agency.

6 (B) COVERED AGENCIES.—The term “cov-
7 ered agencies” means Federal and State nat-
8 ural resource agencies, as determined by the
9 Administrator.

10 (2) ISSUANCE.—Not later than 180 days after
11 the date of enactment of this Act, and after con-
12 sultation with the heads of covered agencies, the Ad-
13 ministrator shall issue guidance to implement sec-
14 tion 22 of the Homeowner Flood Insurance Afford-
15 ability Act of 2014 (42 U.S.C. 4101e), as amended
16 by this section.