

118TH CONGRESS
1ST SESSION

S. 2108

To amend the National Flood Insurance Act of 1968 to require that certain information is made publicly available, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 22, 2023

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

A BILL

To amend the National Flood Insurance Act of 1968 to require that certain information is made publicly available, 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 “Flood Insurance
5 Transparency Act of 2023”.

6 **SEC. 2. PUBLIC AVAILABILITY OF PROGRAM INFORMATION.**

7 Part C of chapter II of the National Flood Insurance
8 Act of 1968 (42 U.S.C. 4081 et seq.) is amended by add-
9 ing at the end the following:

1 **“SEC. 1349. PUBLIC AVAILABILITY OF PROGRAM INFORMA-**
2 **TION.**

3 “(a) DEFINITIONS.—In this section—

4 “(1) the term ‘loss ratio’ means, with respect to
5 the national flood insurance program in a fiscal
6 year, the ratio of the amount of claims paid under
7 that program during that fiscal year to the amount
8 of premiums paid under that program during that
9 fiscal year; and

10 “(2) the term ‘multiple-loss property’ means—

11 “(A) a repetitive loss structure; or

12 “(B) a severe repetitive loss structure, as
13 that term is defined in section 1366(h).

14 “(b) FLOOD RISK INFORMATION.—

15 “(1) IN GENERAL.—To facilitate the national
16 flood insurance program becoming a source of infor-
17 mation and data for research and development of
18 technology that better understands flooding, the risk
19 of flooding, and the predictability of the perils of
20 flooding, the Administrator shall make publicly
21 available all data, models, assessments, analytical
22 tools, and other information in the possession of the
23 Administrator relating to that program under this
24 title that is used in assessing flood risk or identi-
25 fying and establishing flood elevations and pre-
26 miums, including—

1 “(A) data relating to risk on individual
2 properties, loss ratio information, and other in-
3 formation identifying losses under that pro-
4 gram;

5 “(B) current and historical policy informa-
6 tion, limited to the amount and term only, for
7 properties covered by flood insurance under the
8 national flood insurance program (as of the
9 date on which the information is made avail-
10 able) and for properties that are no longer cov-
11 ered by flood insurance under the national flood
12 insurance program (as of the date on which the
13 information is made available);

14 “(C) current and historical claims informa-
15 tion, limited to the date and amount paid only,
16 for properties covered by flood insurance under
17 the national flood insurance program (as of the
18 date on which the information is made avail-
19 able) and for properties that are no longer cov-
20 ered by flood insurance under the national flood
21 insurance program (as of the date on which the
22 information is made available);

23 “(D) identification of whether a property
24 was constructed before or after the effective
25 date of the first flood insurance rate map for

1 the community in which that property is lo-
2 cated;

3 “(E) identification of properties that have
4 been mitigated through elevation, a buyout, or
5 any other mitigation action; and

6 “(F) identification of multiple-loss prop-
7 erties with respect to which mitigation meas-
8 ures have not been undertaken.

9 “(2) OPEN SOURCE DATA SYSTEM.—In carrying
10 out paragraph (1), the Administrator shall establish
11 an open source data system by which all information
12 required to be made publicly available by that para-
13 graph may be accessed by the public on an imme-
14 diate basis by electronic means.

15 “(c) COMMUNITY INFORMATION.—Not later than 1
16 year after the date of enactment of this section, the Ad-
17 ministrator shall establish and maintain a publicly search-
18 able database that provides information about each com-
19 munity participating in the national flood insurance pro-
20 gram, which shall include the following information:

21 “(1) The status of the compliance by that com-
22 munity with the requirements of that program, in-
23 cluding any findings of noncompliance, the status of
24 any enforcement actions initiated by a State or by

1 the Administrator, and the number of days of any
2 such continuing noncompliance.

3 “(2) The number of properties located in areas
4 having special flood hazards in the community that
5 were built before the effective date of the first flood
6 insurance rate map for the community.

7 “(3) The number of properties located in areas
8 having special flood hazards in the community that
9 were built after the effective date of the first flood
10 insurance rate map for the community.

11 “(4) The total number of current and historical
12 claims located outside areas having special flood haz-
13 ards in the community.

14 “(5) The total number of multiple-loss prop-
15 erties in the community.

16 “(6) The portion of the community, stated as a
17 percentage and in terms of square miles, that is lo-
18 cated within areas having special flood hazards.

19 “(d) IDENTIFICATION OF PROPERTIES.—The infor-
20 mation provided pursuant to subsections (b) and (c)
21 shall—

22 “(1) be based on data that identifies properties
23 at the zip code or census block level; and

1 “(2) with respect to a property, include the
2 name of the community and State in which the
3 property is located.

4 “(e) PROTECTION OF PERSONALLY IDENTIFIABLE
5 INFORMATION.—The information provided pursuant to
6 subsections (b) and (c) shall be disclosed in a format that
7 does not reveal individually identifiable information about
8 property owners in accordance with section 552a of title
9 5, United States Code.”.

○