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(Original Signature of Member)

119TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

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

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IN THE HOUSE OF REPRESENTATIVES

Mr. DOWNING introduced the following bill; which was 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”.

1 **SEC. 2. ECOSYSTEM RESTORATION PROJECTS.**

2 (a) IN GENERAL.—Section 22 of the Homeowner  
3 Flood Insurance Affordability Act of 2014 (42 U.S.C.  
4 4101e) is amended to read as follows:

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

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

11 “(1) recovering natural and beneficial functions  
12 to a former or degraded aquatic resource or flood-  
13 plain; or

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

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

23 “(c) EXEMPTION FROM CONDITIONAL APPROVAL  
24 FOR CERTAIN ECOSYSTEM RESTORATION PROJECTS.—A  
25 community may permit an ecosystem restoration project

1 within an adopted regulatory floodway that would result  
2 in an increase in base flood elevations, if—

3 “(1) a professional engineer uses the best judg-  
4 ment of the engineer to determine that the cumu-  
5 lative effect of the proposed ecosystem restoration  
6 project, when combined with all other existing devel-  
7 opment, will not increase the water surface elevation  
8 of the base flood by more than 1 foot (or a greater  
9 amount or metric determined appropriate by the Ad-  
10 ministrator);

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

15 “(3) not later than 180 days after the date on  
16 which the ecosystem restoration project is completed,  
17 the community submits to the Administrator an  
18 analysis regarding the changed conditions caused by  
19 the ecosystem restoration project.

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

1 (b) TECHNICAL AND CONFORMING AMENDMENT.—

2 The table of contents for the Homeowner Flood Insurance  
3 Affordability Act of 2014 (Public Law 113–89) is amend-  
4 ed by striking the item relating to section 22 and inserting  
5 the following:

“Sec. 22. Ecosystem restoration projects.”.

6 (c) GUIDANCE.—

7 (1) DEFINITIONS.—In this subsection:

8 (A) ADMINISTRATOR.—The term “Admin-  
9 istrator” means the Administrator of the Fed-  
10 eral Emergency Management Agency.

11 (B) COVERED AGENCIES.—The term “cov-  
12 ered agencies” means Federal and State nat-  
13 ural resource agencies, as determined by the  
14 Administrator.

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