

117TH CONGRESS
1ST SESSION

H. R. 5256

To provide for the disclosure and sharing of certain policy and claims information under the National Flood Insurance Program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 14, 2021

Mrs. LURIA (for herself, Mr. GARBARINO, and Ms. DEAN) introduced the following bill; which was referred to the Committee on Financial Services

A BILL

To provide for the disclosure and sharing of certain policy and claims information under the National Flood Insurance Program, 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 History Infor-
5 mation Act of 2021”.

6 **SEC. 2. DATA EXCHANGE PROGRAM.**

7 Section 1313 of the National Flood Insurance Act of
8 1968 (42 U.S.C. 4020) is amended—

1 (1) by inserting after the section enumerator
2 the following: “(a) AVAILABILITY OF FLOOD INSUR-
3 ANCE INFORMATION.—”; and

4 (2) by adding at the end the following new sub-
5 sections:

6 “(b) DATA EXCHANGE PROGRAM.—

7 “(1) IN GENERAL.—The Administrator shall
8 disclose policy and claims information described in
9 paragraph (2) to an insurance company, as such
10 term is defined in subsection (f), if such insurance
11 company has entered into a data sharing agreement
12 with the Administrator pursuant to paragraph (3).

13 “(2) DATA ELIGIBLE FOR SHARING.—The Ad-
14 ministrator shall disclose the following claims and
15 policy information, obtained in connection with a
16 flood insurance policy made available under this title
17 or through a data sharing agreement executed pur-
18 suant to paragraph (3), pursuant to paragraph (1):

19 “(A) The location of the insured property,
20 by address and latitude and longitude).

21 “(B) Amount of coverage in force.

22 “(C) Dates of loss.

23 “(D) The amount paid on claims.

1 “(E) Any other claims and policy informa-
2 tion the Administrator determines necessary
3 and appropriate.

4 “(3) DATA SHARING AGREEMENT.—A data
5 sharing agreement entered into pursuant to para-
6 graph (1) shall include—

7 “(A) the terms and conditions under which
8 insurance companies may use, share, store, and
9 account for the data, which shall at minimum
10 include provisions ensuring that—

11 “(i) the insurance company may only
12 use information provided under the agree-
13 ment for the purposes of underwriting, es-
14 tablishing premium rates, and adjusting
15 claims; and

16 “(ii) the insurance company may not
17 use the information provided as part of the
18 agreement for marketing purposes;

19 “(B) an agreement by the insurance com-
20 pany to provide to the Administrator the insur-
21 ance company’s policy and claims data in a
22 form prescribed by the Administrator; and

23 “(C) any other terms and conditions the
24 Administrator determines are necessary and ap-
25 propriate.

1 “(c) ACCESS TO FLOOD INSURANCE INFORMA-
2 TION.—Upon the request of a purchaser, lessee, or current
3 owner of a property, the Administrator shall provide to
4 the purchaser, lessee, or current owner of the property in-
5 formation pertaining to the property the purchaser or les-
6 see is under contract to buy or lease, respectively, or the
7 current owner’s property, as follows:

8 “(1) The number and dollar value of claims
9 filed for the property, and factors related to the
10 cause of loss, over the life of the property, as known
11 to the Administrator, including claims made under—

12 “(A) a flood insurance policy made avail-
13 able under this Act; and

14 “(B) a private flood insurance policy.

15 “(2) Information on whether the property
16 owner may be required to purchase flood insurance
17 coverage due to previous receipt of Federal disaster
18 assistance subject to the mandatory purchase re-
19 quirement under section 102 of the Flood Disaster
20 Protection Act of 1973.

21 “(3) Such other available information about the
22 property as determined by the Administrator to ac-
23 curately and adequately characterize the true flood
24 risk to the property.

1 “(d) PRIVACY PROTECTION.—Disclosure of informa-
2 tion contained within a system of records (as such term
3 is defined in section 552a(a)(5) of title 5, United States
4 Code) as authorized in subsections (b) and (c) of this sec-
5 tion shall be considered a routine use for the purposes of
6 section 552a(3) of title 5, United States Code.

7 “(e) FEE.—

8 “(1) IN GENERAL.—To carry out subsection
9 (b), the Administrator may charge a fee to partici-
10 pating insurance companies under subsection (b).
11 The Administrator shall not charge a fee to the cur-
12 rent owner requesting flood insurance information
13 under subsection (c).

14 “(2) DEPOSIT.—The Administrator shall de-
15 posit the fee collected under this subsection into the
16 National Flood Insurance Fund established under
17 section 1310.

18 “(f) DEFINITION.—For the purposes of this section
19 the following definitions shall apply:

20 “(1) INSURANCE COMPANY.—The term ‘insur-
21 ance company’ means an insurance company that
22 meets the requirements of subparagraph (A) of sec-
23 tion 102(b)(7) of the Flood Disaster Protection Act
24 of 1973 (42 U.S.C. 4012a(b)(7)(A)).

1 “(2) LESSEE.—The term ‘lessee’ means a per-
2 son who enters into an agreement to lease, rent, or
3 sublease a property.

4 “(3) PURCHASER.—The term ‘purchaser’
5 means a person or entity that enters into an agree-
6 ment to purchase an interest in a property.”.

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