

Reserve System, the Federal Deposit Insurance Corporation, the Comptroller of the Currency, the National Credit Union Administration, and the Farm Credit Administration, and with respect to a particular regulated lending institution means the entity primarily responsible for the supervision of the institution;

(6) “Administrator” means the Administrator of the Federal Emergency Management Agency;

(7) “Federal agency lender” means a Federal agency that makes direct loans secured by improved real estate or a mobile home, to the extent such agency acts in such capacity;

(8) the term “improved real estate” means real estate upon which a building is located;

(9) “lender” means a regulated lending institution or Federal agency lender;

(10) “regulated lending institution” means any bank, savings and loan association, credit union, farm credit bank, Federal land bank association, production credit association, or similar institution subject to the supervision of a Federal entity for lending regulation; and

(11) “servicer” means the person responsible for receiving any scheduled periodic payments from a borrower pursuant to the terms of a loan, including amounts for taxes, insurance premiums, and other charges with respect to the property securing the loan, and making the payments of principal and interest and such other payments with respect to the amounts received from the borrower as may be required pursuant to the terms of the loan.

(b) The Administrator is authorized to define or redefine, by rules and regulations, any scientific or technical term used in this Act, insofar as such definition is not inconsistent with the purposes of this Act.

(Pub. L. 93-234, § 3, Dec. 31, 1973, 87 Stat. 976; Pub. L. 95-128, title VII, § 703(b), Oct. 12, 1977, 91 Stat. 1145; Pub. L. 98-181, title I [title IV, § 451(e)], Nov. 30, 1983, 97 Stat. 1229; Pub. L. 100-707, title I, § 109(t), Nov. 23, 1988, 102 Stat. 4710; Pub. L. 103-325, title V, § 511(a), Sept. 23, 1994, 108 Stat. 2255; Pub. L. 111-203, title III, § 368, July 21, 2010, 124 Stat. 1557; Pub. L. 112-141, div. F, title II, § 100233(a)(1), July 6, 2012, 126 Stat. 958.)

#### REFERENCES IN TEXT

This Act, referred to in text, means Pub. L. 93-234, Dec. 31, 1973, 87 Stat. 975, known as the Flood Disaster Protection Act of 1973. For complete classification of this Act to the Code, see Short Title of 1973 Amendment note set out under section 4001 of this title and Tables.

The Disaster Relief and Emergency Assistance Act, referred to in subsec. (a)(4), is Pub. L. 93-288, May 22, 1974, 88 Stat. 143, known as the Robert T. Stafford Disaster Relief and Emergency Assistance Act, which is classified principally to chapter 68 (§ 5121 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5121 of this title and Tables.

#### CODIFICATION

Section was enacted as part of the Flood Disaster Protection Act of 1973, and not as part of the National Flood Insurance Act of 1968 which comprises this chapter.

#### AMENDMENTS

2012—Subsec. (a)(6). Pub. L. 112-141 substituted “‘Administrator’” for “‘Director’” and “‘Administrator of’” for “‘Director of’”.

Subsec. (b). Pub. L. 112-141 substituted “‘Administrator’” for “‘Director’”.

2010—Subsec. (a)(5). Pub. L. 111-203 struck out “, the Office of Thrift Supervision” after “the Comptroller of the Currency”.

1994—Subsec. (a)(5). Pub. L. 103-325, § 511(a)(1), added par. (5) and struck out former par. (5) which read as follows: “‘Federal instrumentality responsible for the supervision, approval, regulation, or insuring of banks, savings and loan associations, or similar institutions’ means the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Comptroller of the Currency, the Federal Home Loan Bank Board, the Federal Savings and Loan Insurance Corporation, and the National Credit Union Administration; and”.

Subsec. (a)(7) to (11). Pub. L. 103-325, § 511(a)(2), (3), added pars. (7) to (11).

1988—Subsec. (a)(4). Pub. L. 100-707 substituted “‘Disaster Relief and Emergency Assistance Act’” for “‘Disaster Relief Act of 1974’”.

1983—Subsec. (a)(6). Pub. L. 98-181, § 451(e)(2), substituted definition of “‘Director’” meaning the Director of the Federal Emergency Management Agency for definition of “‘Secretary’” meaning the Secretary of Housing and Urban Development.

Subsec. (b). Pub. L. 98-181, § 451(e)(1), substituted “‘Director’” for “‘Secretary’”.

1977—Subsec. (a)(4). Pub. L. 95-128 substituted “‘assistance pursuant to the Disaster Relief Act of 1974 (other than assistance under such Act in connection with a flood)’” for “‘assistance for emergency work essential for the protection and preservation of life and property performed pursuant to the Disaster Relief Act of 1970 or any subsequent Act of Congress which supersedes or modifies the Disaster Relief Act of 1970’”.

#### EFFECTIVE DATE OF 2010 AMENDMENT

Amendment by Pub. L. 111-203 effective on the transfer date, see section 351 of Pub. L. 111-203, set out as a note under section 906 of Title 2, The Congress.

#### TRANSFER OF FUNCTIONS

For transfer of all functions, personnel, assets, components, authorities, grant programs, and liabilities of the Federal Emergency Management Agency, including the functions of the Under Secretary for Federal Emergency Management relating thereto, to the Federal Emergency Management Agency, see section 315(a)(1) of Title 6, Domestic Security.

For transfer of functions, personnel, assets, and liabilities of the Federal Emergency Management Agency, including the functions of the Director of the Federal Emergency Management Agency relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see former section 313(1) and sections 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

#### § 4004. Definitions applicable to Biggert-Waters Flood Insurance Reform Act of 2012

##### (a) In general

In this subtitle, the following definitions shall apply:

##### (1) 100-year floodplain

The term “100-year floodplain” means that area which is subject to inundation from a flood having a 1-percent chance of being equaled or exceeded in any given year.

##### (2) 500-year floodplain

The term “500-year floodplain” means that area which is subject to inundation from a

flood having a 0.2-percent chance of being equaled or exceeded in any given year.

**(3) Administrator**

The term “Administrator” means the Administrator of the Federal Emergency Management Agency.

**(4) National Flood Insurance Program**

The term “National Flood Insurance Program” means the program established under the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.).

**(5) Write Your Own**

The term “Write Your Own” means the cooperative undertaking between the insurance industry and the Federal Insurance Administration which allows participating property and casualty insurance companies to write and service standard flood insurance policies.

**(b) Common terminology**

Except as otherwise provided in this subtitle, any terms used in this subtitle shall have the meaning given to such terms under section 1370 of the National Flood Insurance Act of 1968 (42 U.S.C. 4121).

(Pub. L. 112-141, div. F, title II, §100202, July 6, 2012, 126 Stat. 916.)

REFERENCES IN TEXT

This subtitle, referred to in subsecs. (a) and (b), is subtitle A (§§100201-100249) of title II of div. F of Pub. L. 112-141, July 6, 2012, 126 Stat. 916, known as the Biggert-Waters Flood Insurance Reform Act of 2012. For complete classification of this subtitle to the Code, see Short Title of 2012 Amendment note set out under section 4001 of this title and Tables.

The National Flood Insurance Act of 1968, referred to in subsec. (a)(4), is title XIII of Pub. L. 90-448, Aug. 1, 1968, 82 Stat. 572, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 4001 of this title and Tables.

CODIFICATION

Section was enacted as part of the Biggert-Waters Flood Insurance Reform Act of 2012, and also as part of the Moving Ahead for Progress in the 21st Century Act, also known as the MAP-21, and not as part of National Flood Insurance Act of 1968 which comprises this chapter.

**§ 4005. Definitions applicable to Homeowner Flood Insurance Affordability Act of 2014**

For purposes of this title,<sup>1</sup> the following definitions shall apply:

**(1) Administrator**

The term “Administrator” means the Administrator of the Federal Emergency Management Agency.

**(2) National Flood Insurance Program**

The term “National Flood Insurance Program” means the program established under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.).

(Pub. L. 113-89, §2, Mar. 21, 2014, 128 Stat. 1020.)

REFERENCES IN TEXT

This title, referred to in text, probably should read “this Act”, meaning Pub. L. 113-89, Mar. 21, 2014, 128

<sup>1</sup> See References in Text note below.

Stat. 1020, known as the Homeowner Flood Insurance Affordability Act of 2014, which does not contain titles. For complete classification of this Act to the Code, see Short Title of 2014 Amendment note set out under section 4001 of this title and Tables.

The National Flood Insurance Act of 1968, referred to in par. (2), is title XIII of Pub. L. 90-448, Aug. 1, 1968, 82 Stat. 572, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 4001 of this title and Tables.

CODIFICATION

Section was enacted as part of the Homeowner Flood Insurance Affordability Act of 2014, and not as part of the National Flood Insurance Act of 1968 which comprises this chapter.

SUBCHAPTER I—THE NATIONAL FLOOD INSURANCE PROGRAM

**§ 4011. Authorization to establish and carry out program**

**(a) Authorization and establishment**

To carry out the purposes of this chapter, the Administrator of the Federal Emergency Management Agency is authorized to establish and carry out a national flood insurance program which will enable interested persons to purchase insurance against loss resulting from physical damage to or loss of real property or personal property related thereto arising from any flood occurring in the United States.

**(b) Additional coverage for compliance with land use and control measures**

The national flood insurance program established pursuant to subsection (a) of this section shall enable the purchase of insurance to cover the cost of implementing measures that are consistent with land use and control measures established by the community under section 4102 of this title for—

(1) properties that are repetitive loss structures;

(2) properties that are substantially damaged structures;

(3) properties that have sustained flood damage on multiple occasions, if the Administrator determines that it is cost-effective and in the best interests of the National Flood Insurance Fund to require the implementation of such measures; and

(4) properties for which an offer of mitigation assistance is made under—

(A) section 4104c of this title (Flood Mitigation Assistance Program);

(B) the Hazard Mitigation Grant Program authorized under section 5170c of this title;

(C) the Predisaster Hazard Mitigation Program under section 5133 of this title; and

(D) any programs authorized or for which funds are appropriated to address any unmet needs or for which supplemental funds are made available.

The Administrator shall impose a surcharge on each insured of not more than \$75 per policy to provide cost of compliance coverage in accordance with the provisions of this subsection.

**(c) Participation and risk sharing by insurers**

In carrying out the flood insurance program the Administrator shall, to the maximum extent practicable, encourage and arrange for—