



**FEMA**

W-07054

August 27, 2007

MEMORANDUM FOR: Write Your Own (WYO) Principal Coordinators and  
NFIP Servicing Agent

FROM: WYO Clearinghouse

SUBJECT: NFIP Direct Side Agency Training Requirements

Attached for your information is a letter signed by David Maurstad, Federal Insurance Administrator, regarding National Flood Insurance Program training requirements for producers and agencies writing flood insurance through the NFIP Servicing Agent (Direct Program).

Please share this information with others in your organization, as appropriate.

cc: Vendors, IBHS, FIPNC, FISCAA, Government Technical Representative

Suggested Routing: Training



FEMA

RE: National Flood Insurance Program (NFIP) Training Requirements

Dear Agency Principal:

I am requesting your cooperation in completing the actions outlined in this letter regarding flood insurance training. The training is required by Section 207 of the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act (FIRA) of 2004, Public Law 108-264. I am enclosing a copy of the notice published in the Federal Register on September 1, 2005.

As a licensed property and casualty producer or agency writing flood insurance through the NFIP Servicing Agent (NFIP Direct), you serve as a direct link to consumers for insurance products offered by the Department of Homeland Security, Federal Emergency Management Agency (FEMA). The flood insurance training will ensure you have the latest information about the NFIP, enable you to better serve your customers, and comply with State training requirements for producers writing flood insurance, as issued by 42 States, thus far.

Verification of flood insurance training, when required by a State, is now a requirement for producers writing flood insurance policies through the NFIP Direct. Audits will be conducted by the NFIP Direct, and your agency may be required to provide evidence of completion of flood insurance training.

#### Training Requirement

- In accordance with applicable State mandates, a State-approved flood insurance training session for continuing education credit must be completed by every agent/producer who sells flood insurance through the NFIP Direct. Such training is highly encouraged in States that have not yet issued such requirements.

## NFIP Training Requirements

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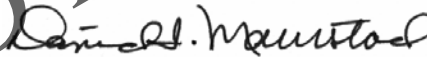
### Training Verification

- To verify compliance with State requirements, each agency must retain copies of the flood insurance course completion certificates for all its agents from now on. This document will be required as a part of the NFIP Direct audit of your agency.

Information regarding NFIP training workshops scheduled in your area is available on the FEMA website [www.fema.gov/business/nfip/trainagt.shtm](http://www.fema.gov/business/nfip/trainagt.shtm). In addition, the FEMA online Basic Agent Tutorial has been approved by numerous States for 3 hours of continuing education credit, and is available on [training.nfipstat.com](http://training.nfipstat.com). As FEMA is informed of State actions related to flood insurance training, they will be posted on the website [www.fema.gov/business/nfip/index.shtm](http://www.fema.gov/business/nfip/index.shtm).

Thank you for your prompt attention to the flood insurance training and verification requirements. For additional information, please contact a NFIP Direct Agency Specialist by telephone at 1-800-638-6620 or email [agencyservices@covansys.com](mailto:agencyservices@covansys.com).

Sincerely,



David I. Maurstad  
Federal Insurance Administrator  
National Flood Insurance Program

DM:ty

Enclosures

comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10.

**DATES:** Written comments should be received on or before October 3, 2005.

**ADDRESSES:** Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Homeland Security Desk Officer, Washington, DC 20503. Additionally comments may be submitted to OMB via facsimile to (202) 395-6974.

**SUPPLEMENTARY INFORMATION:** The Bureau of Customs and Border Protection (CBP) encourages the general public and affected Federal agencies to submit written comments and suggestions on proposed and/or continuing information collection requests pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104-13). Your comments should address one of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency/component, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies/components estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collections of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

**Title:** Petition for Remission or Mitigation of Forfeitures and Penalties.

**OMB Number:** 1651-0100.

**Form Number:** CBP Form 4609.

**Abstract:** Persons whose property is seized or who incur monetary penalties due to violations of the Tariff Act are entitled to seek remission or mitigation by means of an informal appeal. This form gives the violator the opportunity to claim mitigation and provides a record of such.

**Current Actions:** There are no changes to the information collection. This submission is being submitted to extend the expiration date.

**Type of Review:** Extension (without change).

**Affected Public:** Business or other for-profit institutions.

**Estimated Number of Respondents:** 28,000.

**Estimated Time Per Respondent:** 14 minutes.

**Estimated Total Annual Burden Hours:** 6,500.

**Estimated Annualized Cost to the Public:** \$157,300.

**If additional information is required contact:** Tracey Denning, Bureau of Customs and Border Protection, 1300 Pennsylvania Avenue NW., Room 3.2.C, Washington, DC 20229, at 202-344-1429.

Dated: August 24, 2005.

**Tracey Denning,**

*Agency Clearance Officer, Information Services Branch.*

[FR Doc. 05-17446 Filed 8-31-05; 8:45 am]

**BILLING CODE 9110-06-P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

**RIN 1660-ZA06**

### Flood Insurance Training and Education Requirements for Insurance Agents

**AGENCY:** Federal Emergency Management Agency (FEMA), Emergency Preparedness and Response Directorate, Department of Homeland Security.

**ACTION:** Notice.

**SUMMARY:** FEMA is publishing minimum training and education requirements, as required by section 207 of the Flood Insurance Reform Act of 2004, for all insurance agents who sell Standard Flood Insurance Policies issued through the National Flood Insurance Program (NFIP).

**FOR FURTHER INFORMATION CONTACT:** Mr. Edward L. Connor, Federal Emergency Management Agency, Mitigation Division, 500 C Street, SW., Washington, DC 20472, (202) 646-3429 (phone), (202) 646-2849 (facsimile), or [Edward.Connor@dhs.gov](mailto:Edward.Connor@dhs.gov) (e-mail).

**SUPPLEMENTARY INFORMATION:** On June 30, 2004 the President signed the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 (Flood Insurance Reform Act of 2004), Pub. L. 108-264. Section 207 of the Flood Insurance Reform Act of 2004 states:

The Director of the Federal Emergency Management Agency shall, in cooperation with the insurance industry, State insurance regulators, and other interested parties—

(1) Establish minimum training and education requirements for all insurance agents who sell flood insurance policies, and

(2) Not later than 6 months after the date of enactment of this Act, publish these requirements in the **Federal Register**, and inform insurance companies and agents of the requirements.

This notice describes FEMA's implementation of section 207 of the Flood Insurance Reform Act of 2004. As required by the Act, FEMA has coordinated with the State insurance regulators, the insurance industry, and other interested parties. Input received from these organizations emphasizes the value of working through the State insurance departments to avoid establishing conflicting or burdensome training requirements upon insurance agents. While implementing the minimum training requirements required by section 207, FEMA has been mindful of the Senate Report language, (S. REP. NO. 108-262, at 4 & 9 (2004)), which cautions:

In some cases, states may already have requirements to ensure that agents are well-versed in the flood insurance program. Where possible, FEMA should work to make sure that agents are not burdened with inconsistent state and federal training and education requirements. In addition, where possible, FEMA should work to implement the training requirements through the states, which already have continuing education processes in place.

Under 15 U.S.C. 1011 *et seq.*, commonly referred to as the "McCarran-Ferguson Act", section 6701, States have the authority to establish qualification standards by which insurance agents are licensed to do business and to determine the continuing education requirements for maintaining such licenses in the particular jurisdiction. However, the McCarran-Ferguson Act specifically excludes from State regulation an insurance program carried out by the Federal Government, including the NFIP, and FEMA lawfully may establish specific standards to sell flood insurance under the NFIP. Rather than establish separate, and, perhaps duplicative requirements, FEMA has chosen to work with States to ensure that NFIP requirements are implemented through established (existing) licensing schemes. For example, several States already include questions about flood insurance on their agent licensing examinations, and some also award continuing education credits for agents who complete flood insurance training. It is our intent to encourage States to implement minimum training in NFIP flood insurance as part of their general licensing standards and to assist

States in improving their training and testing of agents on flood insurance matters as appropriate.

FEMA is committed to actively supporting the States in implementing their flood insurance training programs for insurance agents and will, in support of that commitment, provide: expertise regarding the content of a flood insurance training program that would enable insurance agents to have a basic understanding of the NFIP; access to NFIP training modules, including online modules; and, NFIP materials and other technical assistance as may be needed to address unique requirements. Further, as FEMA establishes policy or procedural changes or enhancements that should be reflected in State-approved flood insurance training programs, these will be provided by FEMA to the State insurance departments.

FEMA will work with State insurance departments that do not already have established flood insurance training programs for insurance agents to implement the guidance provided by the National Conference of Insurance Legislators (NCOIL). The "State Flood Disaster Mitigation and Relief Model Act" adopted by the NCOIL Executive Committee on November 21, 2003, includes the following text that States will find useful when adopting their flood insurance requirements:

#### **Part IV. Miscellaneous Provisions Regarding Participation**

##### *Sec. 1. Insurance Producer Qualification; Continuing Education*

The [State entity for regulating insurance] shall require:

1. *Pre-licensing requirement.* The [State entity for regulating insurance] shall require all resident insurance producer applicants to demonstrate satisfactory knowledge and understanding of flood insurance and the National Flood Insurance Program, as determined by the [State entity for regulating insurance] in order to qualify for licensure.

2. *One-time continuing education requirement for existing licensees.* The [State entity for regulating insurance] shall require resident insurance producers licensed on [the bill's effective date] to complete a continuing education course related to flood insurance and the National Flood Insurance Program before [a date certain at least two years from the bill's effective date]. The course shall be three hours in length and shall be approved by the [State entity for regulating insurance]. Completion of the course will provide the licensee with three hours of continuing education credit.

#### **Incentives for Trained Agents**

FEMA offers various incentives to encourage insurance agents to pursue flood insurance training. The NFIP's Agent Co-op Program provides agents,

Write Your Own (WYO) companies, and insurance associations with the advertising tools they need to produce local and regional advertising that supports the national NFIP campaign. Insurance agents who participate in the program are reimbursed a portion of their advertising budget when they use the program's pre-approved ad templates. An additional 25 percent in co-op funds are offered to agents who complete a State-approved continuing education course on flood insurance within the past 12 months. Details are provided at <http://www.FloodSmart.gov>.

Additionally, agents who sign up for the NFIP's Agent Leads Referral program receive free leads generated through the NFIP marketing efforts. Plans are being developed to enable agents who have completed flood insurance training to be given a special designation or priority in the distribution of leads.

#### **Flood Insurance Course Content**

The following material outlines the standard content that States should include when establishing or updating their flood insurance training requirements. This outline reflects input gathered by FEMA from the following: State insurance regulators; insurance companies that sell flood insurance under the NFIP's WYO Program; the Independent Insurance Agents and Brokers of America; the National Association of Professional Insurance Agents; and the Coalition of Exclusive Agent Associations. This training course content, if effectively delivered, would enable insurance agents to gain a basic understanding of the NFIP, so that they could share this information with their customers. Additional training should be taken by insurance agents on a regular basis to gain understanding of more advanced flood insurance topics.

#### *Basic Flood Insurance Course Outline*

##### **Section I—Introduction**

- NFIP Background
- Community Participation
- Emergency Program Defined
- Regular Program Defined
- Community Rating System
- Eligible/Ineligible Buildings
- Coastal Barrier Resources System and Other Protected Areas
  - Who Needs Flood Insurance?
    - Mandatory Purchase of Flood Insurance in High Flood Risk Zones
    - Recommended in Moderate and Low Flood Risk Zones
  - Why Flood Insurance is Better than Disaster Assistance

##### **Section II—Flood Maps and Zone Determinations**

- Flood Hazard Boundary Map (FHBM)
- Flood Insurance Rate Map (FIRM)
  - Pre-FIRM/Post-FIRM Defined
  - Special Flood Hazard Area Defined
- Base Flood Elevation
- Zone Determination

##### **Section III—Policies and Products Available**

- Dwelling Policy—Types of Buildings Covered
- General Property Policy—Types of Buildings Covered
  - Residential Condominium Building Association (RCBAP) Policy—Types of Buildings Covered
  - Preferred Risk Policy—Types of Buildings Covered
- Definitions:
  - Flood
  - Basement/Enclosure
  - Elevated Buildings
  - Damages Not Covered
  - Single Peril Policy
  - Mudslides vs. Mudflow
- Property Covered
  - Basements
  - Appurtenant Structure
  - Loss Avoidance Measures
  - Debris Removal
  - Improvements and Betterments
- Property Not Covered
  - Decks
  - Finished Items in Basements
  - In Enclosures
  - Additional Living Expenses
- Increased Cost of Compliance

##### **Coverage**

##### **Section IV—General Rules**

- Statutory Coverage Limits
- Deductibles
  - Standard Deductibles
  - Applies Separately for Building and Contents

##### **Property Value Determination for Selecting Coverage Amount**

- Loss Settlement
  - Actual Cash Value (ACV)
  - Replacement Cost Value (RCV)
  - Co-insurance Penalty in RCBAP
- Reduction and Reformation of Coverage

- No Binders
- One Building per Policy—No Blanket Coverage

- Building and Contents Coverage Purchased Separately
  - Waiting Period/Effective Date of Policy

- Policy Term
- Cancellations

##### **Section V—Rating**

- Types of Buildings
  - Elevated Buildings

- Buildings with Basements
- When to Use an Elevation Certificate
- Grandfathering

#### Section VI—Claims Handling Process

- Helping Your Client to File a Claim
- Appeals Process
- Claims Handbook

#### Section VII—Requirements of the Flood Insurance Reform Act of 2004

- Point of Sale and Renewal Responsibilities
- Notification of Coverages Being Purchased
- Policy Exclusions that Apply
- Explanation Regarding How Losses Will be Adjusted (ACV vs. RCV)
- Number and Dollar Amount of Claims for Property
- Acknowledgement Forms

#### Section VIII—Agent Resources

- Write Your Own Company
- FEMA Web sites:
  - <http://www.fema.gov/nfip>
  - <http://www.floodsmart.gov>
  - <http://training.nfipstat.com>
- Flood Insurance Manual

Dated: August 25, 2005.

**Michael D. Brown,**

*Under Secretary, Emergency Preparedness and Response, Department of Homeland Security.*

[FR Doc. 05-17444 Filed 8-31-05; 8:45 am]

BILLING CODE 9110-11-P

## DEPARTMENT OF HOMELAND SECURITY

### Transportation Security Administration

#### Aviation Security Advisory Committee Meeting

**AGENCY:** Transportation Security Administration (TSA), DHS.

**ACTION:** Notice of meeting.

**SUMMARY:** This notice announces a public meeting of the Aviation Security Advisory Committee (ASAC).

**DATES:** The meeting will take place on September 22, 2005, from 9 a.m. to 1 p.m.

**ADDRESSES:** The meeting will be held at Residence Inn by Marriott Pentagon City, 550 Army Navy Drive, Arlington VA 22202.

**FOR FURTHER INFORMATION CONTACT:** Joseph Corrao, Office of Transportation Security Policy (TSA-9), Transportation Security Administration, 601 South 12th Street, Arlington, VA 22202; telephone 571-227-2980, e-mail [joseph.corrao@dhs.gov](mailto:joseph.corrao@dhs.gov).

**SUPPLEMENTARY INFORMATION:** This meeting is announced pursuant to

section 10(a)(2) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.). The agenda for the meeting will include—

- Status reports on the actions of the Airport Security Design Guidelines Working Group, the Aviation Security Impact Assessment Working Group, and the Freight Assessment System Working Group;
- The final report and recommendations of the Secure Flight Privacy/IT Working Group; and
- Other aviation security topics.

This meeting is open to the public but attendance is limited to space available. Members of the public must make advanced arrangements to present oral statements at the open ASAC meeting. Written statements may be presented to the committee by providing copies of them to the person listed under the heading **FOR FURTHER INFORMATION CONTACT** prior to or at the meeting. Anyone in need of assistance or a reasonable accommodation for the meeting should contact the person listed under the heading **FOR FURTHER INFORMATION CONTACT**. In addition, sign and oral interpretation, as well as a listening device, can be made available at the meeting if requested 10 calendar days before the meeting. Arrangements may be made by contacting the person listed under the heading **FOR FURTHER INFORMATION CONTACT**.

Issued in Arlington, Virginia, on August 25, 2005.

**Joseph Corrao,**

*Designated Federal Official.*

[FR Doc. 05-17393 Filed 8-31-05; 8:45 am]

BILLING CODE 4910-62-P

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Endangered Species Recovery Permit Application

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of receipt of a permit application.

**SUMMARY:** The following applicant has applied for a scientific research permit to conduct certain activities with endangered species pursuant to section 10(a)(1)(A) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*). The U.S. Fish and Wildlife Service ("we") solicits review and comment from local, State, and Federal agencies, and the public on the following permit request.

**DATES:** Comments on this permit application must be received on or before October 3, 2005.

**ADDRESSES:** Written data or comments should be submitted to the U.S. Fish and Wildlife Service, Chief, Endangered Species, Ecological Services, 911 NE 11th Avenue, Portland, Oregon 97232-4181 (telephone: 503-231-2063; fax: 503-231-6243). Please refer to the permit number for the application when submitting comments. All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public.

#### FOR FURTHER INFORMATION CONTACT:

Documents and other information submitted with this application are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to the address above. Please refer to the permit number for the application when requesting copies of documents.

#### SUPPLEMENTARY INFORMATION:

##### Permit No. TE-108507

*Applicant:* Manager, California/ Nevada Operations Office, U.S. Fish and Wildlife Service, Sacramento, California.

The applicant requests a permit to take the following species: the short-tailed albatross (*Phoebastria (=Diomedea) albatrus*), Mount Hermon June beetle (*Polyphylla barbata*), Behren's silverspot butterfly (*Speyeria zerene behrensii*), callippe silverspot butterfly (*Speyeria callippe callippe*), El Segundo blue butterfly (*Euphilotes battoides allyni*), Lange's metalmark butterfly (*Apodemia mormo langei*), lotis blue butterfly (*Lycaeides argyrognomon lotis*), mission blue butterfly (*Icaricia icarioides missionensis*), Myrtle's silverspot butterfly (*Speyeria zerene myrtilae*), Palos Verdes blue butterfly (*Glaucopsyche lygdamus palosverdesensis*), Quino checkerspot butterfly (*Euphydryas editha quino*), San Bruno elfin butterfly (*Callophrys mossii bayensis*), Smith's blue butterfly (*Euphilotes enoptes smithi*), bonytail chub (*Gila elegans*), Mohave tui chub (*Gila bicolor mohavensis*), Owens tui chub (*Gila bicolor snyderi*), Pahrnagat roundtail chub (*Gila robusta jordani*), Cui-ui (*Chasmistes cujus*), Ash Meadows speckled dace (*Rhinichthys osculus nevadensis*), Clover Valley dace speckled (*Rhinichthys osculus oligoporus*), Independence Valley speckled dace (*Rhinichthys osculus lethoporus*), Moapa dace (*Moapa coriacea*), California condor (*Gymnogyps californianus*), Shasta crayfish (*Pacifastacus fortis*),