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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R. _____

To direct the Secretary of Homeland Security, acting through the Administrator of the Federal Emergency Management Agency, to establish a pilot program to award grants to covered entities to support the design, development, facilitation, or implementation of community-based catastrophe insurance.

IN THE HOUSE OF REPRESENTATIVES

Mr. MIN introduced the following bill; which was referred to the Committee
on _____

A BILL

To direct the Secretary of Homeland Security, acting through the Administrator of the Federal Emergency Management Agency, to establish a pilot program to award grants to covered entities to support the design, development, facilitation, or implementation of community-based catastrophe insurance.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act shall be cited as the “Community Disaster
3 Protection Act”.

4 **SEC. 2. COMMUNITY-BASED CATASTROPHE INSURANCE**
5 **PILOT PROGRAM.**

6 (a) IN GENERAL.—Not later than 1 year after the
7 date of enactment of this Act, the Secretary, acting
8 through the Administrator, shall establish a pilot program
9 to award grants to covered entities for the design, develop-
10 ment, or implementation of community-based catastrophe
11 insurance programs to—

12 (1) facilitate or offer community-based catas-
13 trophe insurance for properties with high financial
14 exposure to losses from natural hazards or disasters,
15 where such losses—

16 (A) are not covered under traditional prop-
17 erty insurance products offered on public or pri-
18 vate markets and available to members of the
19 community; or

20 (B) present material and growing risks to
21 existing property insurance carriers or other
22 members of the insurance or risk transfer com-
23 munity;

24 (2) help stabilize the traditional private prop-
25 erty insurance market through innovative risk trans-
26 fer approaches; and

1 (3) promote or incentivize community-wide or
2 individual measures to reduce potential losses from,
3 or increase resilience to, natural hazards or disasters
4 covered by such program.

5 (b) ELIGIBLE USES OF FUNDS.—A covered entity re-
6 ceiving a grant under this section may use such funds to
7 carry out 1 or more of the following activities in further-
8 ance of a community-based catastrophe insurance pro-
9 gram pursuant to subsection (a):

10 (1) Conducting consumer research, including
11 assessments of the financial exposure of households
12 to natural hazards or disasters, anticipated or poten-
13 tial household recovery needs, insurance literacy,
14 property insurance coverage gaps, affordability con-
15 straints, and preferred insurance delivery channels.

16 (2) Conducting consumer outreach, education,
17 and enrollment activities targeted to community
18 members, including through community-based orga-
19 nizations, local governments, housing providers, in-
20 surers or reinsurers, insurance or reinsurance pro-
21 ducers, financial institutions, or other entities.

22 (3) Utilizing or configuring catastrophe risk
23 models, hazard assessments, exposure data, or other
24 analytical tools to better understand or help identify

1 the magnitude, nature, or geographic scope of nat-
2 ural hazard or disaster risks in the community.

3 (4) Designing and evaluating program features,
4 including with respect to parametric programs—

5 (A) evaluating, testing, and validating
6 parametric triggers based on objective, inde-
7 pendently verifiable hazard data, including me-
8 teorological, hydrological, geological, or other
9 available data sources; or

10 (B) evaluating and reducing basis risk, in-
11 cluding through an analysis of the correlation
12 between proposed parametric triggers and ex-
13 pected recovery costs and losses.

14 (5) Developing regulatory, actuarial, and oper-
15 ational frameworks or modifications necessary for
16 the approval, administration, and oversight of com-
17 munity-based catastrophe insurance products.

18 (6) Establishing systems for delivery of insur-
19 ance claims or benefit payments within a reasonable
20 period following a triggering event.

21 (7) Conducting program evaluation and col-
22 lecting data on participation rates, payout timeli-
23 ness, recovery outcomes, consumer satisfaction, and
24 cost-effectiveness with respect to the program.

1 (8) Securing non-Federal financial support for
2 a community-based catastrophe insurance program,
3 including—

4 (A) identifying, evaluating, soliciting, or
5 negotiating potential sources of non-Federal
6 premium assistance or risk capital, including
7 State and local appropriations, philanthropic
8 contributions, community development financial
9 institutions, insurance-linked securities, or
10 other sources;

11 (B) establishing and administering ac-
12 counts, trusts, or other vehicles necessary to re-
13 ceive, hold, and disburse non-Federal funds for
14 the payment of premiums or the provision of
15 risk capital;

16 (C) designing premium assistance mecha-
17 nisms to be funded with non-Federal sources,
18 including eligibility criteria and contribution
19 structures; and

20 (D) developing plans for the long-term fi-
21 nancial sustainability of the program, including
22 identification of sources of premium assistance
23 and risk capital following the conclusion of the
24 pilot program.

1 (9) Entering into partnerships with 1 or more
2 entities identified in subsection (d).

3 (c) PROGRAM FEATURES.—

4 (1) POLICY REQUIREMENTS.—A community-
5 based catastrophe insurance product designed, devel-
6 oped, facilitated, or implemented with funds awarded
7 under this section shall—

8 (A) supplement traditional property insur-
9 ance products on existing public or private mar-
10 kets and not be designed to replace or displace
11 available private market insurance coverage;

12 (B) limit coverage to losses attributable to
13 specified natural hazards or disasters that
14 present high financial risk to the community or
15 the stability of the private property insurance
16 market pursuant to subsection (a)(1);

17 (C) to the extent possible, provide clear
18 and conspicuous consumer disclosures, in plain
19 language and in the languages commonly used
20 in the community, before enrollment and upon
21 each renewal, regarding—

22 (i) the perils covered, the perils ex-
23 cluded, and any coverage limits,
24 deductibles, or waiting periods applicable
25 to the product;

1 (ii) the manner in which coverage
2 under the product interacts with tradi-
3 tional property insurance products held by
4 the participant, including whether recovery
5 under the product affects any claim, pre-
6 mium, or renewal under such products;

7 (iii) the effect, if any, that receipt of
8 a payout under the product may have on
9 eligibility for, or the amount of, Federal,
10 State, or local disaster assistance, includ-
11 ing assistance subject to section 312 of the
12 Robert T. Stafford Disaster Relief and
13 Emergency Assistance Act (42 U.S.C.
14 5155);

15 (iv) whether the product satisfies any
16 Federal or State requirement to obtain and
17 maintain insurance, including any require-
18 ment under section 311 of such Act (42
19 U.S.C. 5154) or under the Flood Disaster
20 Protection Act of 1973 (42 U.S.C. 4002 et
21 seq.);

22 (v) the identity of the entity bearing
23 the risk of loss, any financial strength rat-
24 ing of such entity, and whether obligations
25 under the product are covered by any

1 State insurance guaranty association or
2 similar mechanism;

3 (vi) the amount of the premium, the
4 portion of the premium paid by any party
5 other than the participant, the expected
6 duration of any such assistance, and the
7 effect on the participant if such assistance
8 is reduced or discontinued;

9 (vii) the term of coverage, the condi-
10 tions under which coverage may be can-
11 celled, nonrenewed, or terminated, and the
12 effect on participants if the community-
13 based catastrophe insurance program is
14 discontinued;

15 (viii) whether participation is vol-
16 untary and the process by which a member
17 of the community may decline or withdraw
18 from participation;

19 (ix) the process for submitting ques-
20 tions, claims, and complaints, including
21 contact information for the applicable
22 State insurance regulator; and

23 (x) any other disclosure applicable
24 under State law or regulatory require-
25 ments;

1 (D) ensure any premiums are actuarially
2 sound, transparent, and designed to support
3 program sustainability while promoting broad
4 participation;

5 (E) promote or incentivize community-wide
6 or individual measures to reduce potential
7 losses from, or increase resilience to, natural
8 hazards or disasters covered by such product,
9 including through, to the extent possible—

10 (i) reinvestment of any excess funds
11 of the community-based catastrophe insur-
12 ance program to mitigate natural hazard
13 or disaster risks covered under the prod-
14 uct; or

15 (ii) disclosure of community-wide or
16 individual measures that may reduce the
17 risk of losses covered under the product;

18 (F) provide for streamlined enrollment and
19 claims disbursement processes to the extent
20 practicable;

21 (G) in instances where such a program is
22 a parametric program pursuant to paragraph
23 (3)(B)—

24 (i) utilize an objective and predeter-
25 mined trigger condition or conditions for

1 payout of benefits, and provide for dis-
2 tribution of benefits in a timely manner
3 after verification that such condition or
4 conditions have been met;

5 (ii) include a strategy to minimize
6 basis risk and regularly evaluate trigger
7 performance; and

8 (iii) in addition to the disclosures re-
9 quired under subparagraph (C), provide
10 clear consumer disclosures regarding the
11 differences between indemnity insurance
12 and parametric products, trigger condi-
13 tions, payout amounts and limitations, po-
14 tential effects of payouts on other Federal
15 assistance, potential basis risk, and other
16 relevant details; and

17 (H) comply with all applicable State insur-
18 ance laws and regulatory requirements, includ-
19 ing any applicable licensing, form filing, rate
20 filing, and market conduct requirements, and in
21 furtherance of such compliance—

22 (i) prior to offering the product, seek
23 from the insurance regulator of each State
24 in which the product will be offered a de-
25 termination or written confirmation as to

1 whether the product constitutes insurance
2 under the laws of such State and, if so, the
3 licensing and filing requirements applicable
4 to the product and to the covered entity;

5 (ii) place coverage with an insurer au-
6 thorized or eligible to transact such busi-
7 ness in each such State, or with a risk-
8 bearing entity established and operating in
9 accordance with the laws of such State;

10 (iii) ensure that any sale, solicitation,
11 negotiation, or enrollment activity con-
12 ducted by the covered entity, or by any
13 partner of the covered entity, is performed
14 by persons licensed as insurance producers
15 under applicable State law or pursuant to
16 an exemption available under such law;
17 and

18 (iv) provide the insurance regulator of
19 each such State with notice of the program
20 prior to implementation and with reason-
21 able access to program data for regulatory
22 and oversight purposes.

23 (2) PROGRAM REQUIREMENTS.—A covered enti-
24 ty administering a community-based catastrophe in-
25 surance program designed, developed, or imple-

1 mented with funds awarded under this section
2 shall—

3 (A) to the extent feasible, facilitate or pro-
4 vide access to financial incentives, technical as-
5 sistance, or guidance to members of the com-
6 munity to promote investments, best practices,
7 or other actions to reduce potential losses from,
8 or increase resilience to, natural hazards or dis-
9 asters risks covered by such program;

10 (B) assess and communicate, publicly and
11 to the property insurance community, changes
12 in the natural hazard or disaster risk of policy-
13 holders or the region served by such program,
14 including changes resulting from participation
15 in community-based catastrophe insurance and
16 risk reduction investments undertaken by prop-
17 erty owners, renters, businesses, and other
18 members pursuant to such program, for the
19 purposes of negotiating insurance product
20 terms that are actuarially justified;

21 (C) comply with all applicable State insur-
22 ance laws and regulatory requirements, includ-
23 ing securing appropriate authorization from
24 each State in which the product will be offered
25 with respect to covered entities seeking to offer,

1 issue, underwrite, or administer community-
2 based catastrophe insurance pursuant to sub-
3 paragraph (D)(iii); and

4 (D) utilize 1 or a mixture of the following
5 community-based insurance frameworks:

6 (i) The covered entity facilitates the
7 purchase of insurance between insurers
8 and members of the community, where
9 such members contract directly with the
10 insurer and the covered entity oversees
11 community outreach and education and
12 conducts premium negotiation with the in-
13 surer.

14 (ii) The covered entity arranges a
15 community-based catastrophe insurance
16 product on behalf of members of a commu-
17 nity, where the covered entity facilitates
18 enrollment of such members in the insur-
19 ance product, payment to the insurer, and
20 payout of claims to such members.

21 (iii) The covered entity establishes a
22 risk-bearing entity to offer, issue, under-
23 write, or administer community-based ca-
24 tastrophe insurance for members of the
25 community, including purchasing reinsur-

1 ance, managing the payment of insurance
2 claims, setting insurance product terms,
3 and other functions necessary to admin-
4 ister such insurance.

5 (3) AUTHORIZED ACTIVITIES.—A covered entity
6 administering a community-based catastrophe insur-
7 ance program designed, developed, or implemented
8 with funds awarded under this section may—

9 (A) utilize mobile-based technologies or
10 other technologies for insurance delivery, con-
11 sumer information, and other purposes; or

12 (B) operate such program as a parametric
13 risk transfer model through which fixed or
14 graduated payments are provided to enrolled
15 members of the community when predetermined
16 trigger conditions are met following specified
17 natural hazard or disaster events.

18 (d) COORDINATION.—In designing, developing, or im-
19 plementing a community-based catastrophe insurance pro-
20 gram pursuant to subsection (a), a covered entity receiving
21 a grant under this section shall coordinate with—

22 (1) members of the community, including prop-
23 erty owners, renters, businesses, and other entities
24 targeted for participation in the community-based
25 catastrophe insurance product;

1 (2) the insurance regulator of each State in
2 which the community-based catastrophe insurance
3 program will operate;

4 (3) private industry, including insurers and re-
5 insurers; and

6 (4) other relevant entities with expertise in nat-
7 ural hazard and disaster risk assessment, mitigation,
8 recovery, or insurability, or in the delivery of finan-
9 cial assistance or benefits, including—

10 (A) other covered entities;

11 (B) insurance or reinsurance producers;

12 (C) nonprofit organizations;

13 (D) catastrophe risk modeling firms;

14 (E) academic and research institutions; or

15 (F) financial technology providers.

16 (e) PRIORITIZATION OF APPLICANTS.—In awarding
17 grants under this section, the Administrator shall conduct
18 a competitive process for considering and identifying ap-
19 plications from covered entities to ensure grant recipi-
20 ents—

21 (1) represent broad geographic conditions, de-
22 mographics, unmet natural hazard or disaster resil-
23 iency or recovery needs, and other factors to produce
24 a wide range of data to evaluate program perform-
25 ance and viability;

1 (2) target communities with high potential fi-
2 nancial exposure to losses from natural hazards or
3 disasters covered under the proposed community-
4 based catastrophe insurance program for participa-
5 tion in such program; and

6 (3) identify sufficient capital sources and pub-
7 lic-private partnerships to ensure the long-term sus-
8 tainability and effectiveness of the community-based
9 catastrophe insurance program developed with funds
10 under this section.

11 (f) GUIDANCE.—

12 (1) IN GENERAL.—Not later than 180 days
13 after the date of enactment of this Act, the Adminis-
14 trator shall issue guidance for the implementation of
15 the pilot program established under subsection (a),
16 including with respect to—

17 (A) application requirements and evalua-
18 tion criteria;

19 (B) the minimum requirements described
20 in subsection (c)(1);

21 (C) allowable uses of funds under sub-
22 section (b), including any limitation on adminis-
23 trative costs;

24 (D) coordination with State insurance reg-
25 ulators regarding the requirements of sub-

1 section (c)(1)(H), including model approaches
2 to determining whether a community-based ca-
3 tastrophe insurance product constitutes insur-
4 ance under the laws of a State; and

5 (E) the data reporting required under sub-
6 section (h)(5).

7 (2) CONSULTATION.—In developing guidance
8 under paragraph (1), the Administrator shall consult
9 with—

10 (A) the National Association of Insurance
11 Commissioners;

12 (B) State insurance regulators;

13 (C) the Federal Insurance Office of the
14 Department of the Treasury;

15 (D) covered entities and organizations rep-
16 resenting covered entities; and

17 (E) insurers, reinsurers, and other partici-
18 pants in the private risk transfer market, in-
19 cluding insurance and reinsurance producers.

20 (g) TERMINATION.—The authorization to carry out
21 the community-based catastrophe insurance pilot program
22 established under subsection (a) shall terminate on Sep-
23 tember 30, 2031.

24 (h) GAO REPORTS.—

1 (1) REPORTS REQUIRED.—The Comptroller
2 General of the United States shall, with respect to
3 community-based catastrophe insurance programs
4 designed, developed, or implemented pursuant to
5 this section, conduct and submit to Congress—

6 (A) a study not later than 1 year after at
7 least 3 covered entities utilized such programs
8 to address a natural hazard or disaster event or
9 not later than 3 years after establishment of
10 the pilot program under subsection (a), which-
11 ever occurs earlier; and

12 (B) a study not later than 1 year after the
13 conclusion of the pilot program established
14 under subsection (a).

15 (2) EVALUATION CRITERIA.—Each study con-
16 ducted under paragraph (1) shall contain an evalua-
17 tion of the effectiveness of programs designed, devel-
18 oped, or implemented pursuant to this section with
19 respect to—

20 (A) the timeliness of insurance claim, ben-
21 efit determinations, and payout delivery;

22 (B) the extent to which claim and benefit
23 payments addressed immediate natural hazard
24 or disaster-related financial losses and recovery
25 expenses;

1 (C) the extent to which risk reduction in-
2 vestments undertaken through the program
3 were reflected in premium, terms, or capacity;

4 (D) participation rates among eligible
5 households and communities, including demo-
6 graphic, geographic, and income-based charac-
7 teristics of participating and nonparticipating
8 households;

9 (E) affordability of coverage and the effec-
10 tiveness of any premium assistance mecha-
11 nisms, including the sources, sufficiency, and
12 durability of any non-Federal premium assist-
13 ance or risk capital secured pursuant to sub-
14 section (b)(8);

15 (F) administrative costs relative to benefits
16 delivered;

17 (G) impacts of the program on—

18 (i) post-disaster financial stability, re-
19 covery outcomes, and reliance on other
20 forms of public assistance; and

21 (ii) awareness, assessment, mitigation,
22 and reduction of natural hazard or disaster
23 risks covered under such program;

24 (H) with respect to members of the com-
25 munity—

1 (i) understanding of program terms,
2 trigger conditions, and payout expecta-
3 tions, and the effectiveness of outreach,
4 education, and enrollment strategies; and

5 (ii) satisfaction with program admin-
6 istration and benefit delivery; and

7 (I) any statutory, regulatory, operational,
8 actuarial, or data-related barriers to broader
9 implementation of community-based catastrophe
10 insurance.

11 (3) RECOMMENDATIONS.—The study required
12 under paragraph (1)(B) shall include recommenda-
13 tions regarding—

14 (A) opportunities for Congress, the De-
15 partment of Homeland Security, and other Fed-
16 eral agencies to support covered entities in the
17 design, development, and implementation of
18 community-based catastrophe insurance pro-
19 grams; and

20 (B) whether Congress should authorize, ex-
21 pand, modify, or make permanent the pilot pro-
22 gram established under subsection (a).

23 (4) EVALUATION OF NON-TRADITIONAL RISK
24 TRANSFER.—The study required under paragraph
25 (1)(B) shall include—

1 (A) an examination of what the Federal
2 Emergency Management Agency considers to be
3 insurance under section 311 of the Stafford
4 Disaster Relief and Emergency Assistance Act
5 (42 U.S.C. 5154);

6 (B) a review of recent developments and
7 advancements in the private risk transfer mar-
8 ket, including—

9 (i) the creation of risk transfer mech-
10 anisms and instruments beyond traditional
11 property insurance since 1988; and

12 (ii) the efficacy of other community-
13 based catastrophe insurance demonstra-
14 tions or policies implemented in the United
15 States; and

16 (C) an evaluation of—

17 (i) whether community-based catas-
18 trophe insurance would adequately encour-
19 age individuals, States, local governments,
20 and other covered entities to reduce expo-
21 sure to losses from natural hazards or dis-
22 asters by obtaining private coverage to
23 supplement and replace governmental as-
24 sistance;

1 (ii) the design parameters and con-
2 tract terms required for non-traditional in-
3 surance risk transfer mechanisms and in-
4 struments to be considered by the Federal
5 Emergency Management Agency as insur-
6 ance for purposes of any requirements to
7 obtain and maintain insurance coverage
8 under the Robert T. Stafford Disaster Re-
9 lief and Emergency Assistance Act (42
10 U.S.C. 5121 et seq.); and

11 (iii) the impact that denial of recogni-
12 tion of non-traditional insurance risk
13 transfer mechanisms and instruments by
14 the Federal Emergency Management
15 Agency has on the utilization of such prod-
16 ucts by States, local governments, and
17 other covered entities to supplement or re-
18 place government assistance through pri-
19 vate options.

20 (5) DATA SHARING REQUIREMENT.—A covered
21 entity receiving grant funding under this section
22 shall be required to provide appropriate and reason-
23 able data to the Comptroller General on the per-
24 formance of the community-based catastrophe insur-
25 ance product designed, developed, facilitated, or im-

1 plemented with funds from this section to support
2 reporting requirements under this subsection. Noth-
3 ing in this section shall require disclosure of propri-
4 etary, trade secret, or confidential insurer, reinsurer,
5 or catastrophe-modeling information.

6 (6) CONSULTATION.—In conducting each study
7 required under paragraph (1), the Comptroller Gen-
8 eral shall consult with—

9 (A) the National Association of Insurance
10 Commissioners;

11 (B) State insurance regulators;

12 (C) the Federal Insurance Office of the
13 Department of the Treasury; and

14 (D) recipients of grants awarded under
15 this section.

16 (i) DEFINITIONS.—In this section:

17 (1) ADMINISTRATOR.—The term “Adminis-
18 trator” means the Administrator of the Federal
19 Emergency Management Agency.

20 (2) ALASKA NATIVE CORPORATION.—The term
21 “Alaska Native Corporation” has the meaning given
22 the term “Native Corporation” in section 3 of the
23 Alaska Native Claims Settlement Act (42 U.S.C.
24 1602).

1 (3) BASIS RISK.—The term “basis risk” means
2 the potential difference between the actual loss from
3 a natural hazard or disaster event and the payout
4 from a parametric program.

5 (4) COMMUNITY.—The term “community”
6 means a defined geographic region encompassing a
7 group of properties, including those owned or uti-
8 lized by homeowners, renters, businesses, and other
9 relevant stakeholders.

10 (5) COMMUNITY-BASED CATASTROPHE INSUR-
11 ANCE.—The term “community-based catastrophe in-
12 surance” means natural hazard or disaster insur-
13 ance that is arranged by a covered entity to provide
14 coverage to a community.

15 (6) COVERED ENTITIES.—The term “covered
16 entities”—

17 (A) means—

18 (i) States, Tribal governments, or any
19 political subdivision thereof;

20 (ii) Native Hawaiian organizations;

21 (iii) Alaska Native Corporations;

22 (iv) community-based, nonprofit orga-
23 nizations; or

24 (v) other relevant stakeholders as
25 identified by the Administrator with suffi-

1 cient authority to facilitate or offer cov-
2 erage of catastrophe insurance for a group
3 of properties; and

4 (B) shall, to the extent a covered entity of-
5 fers, issues, underwrites, administers, or other-
6 wise bears insurance risk, only include entities
7 described in subparagraph (a) that are author-
8 ized to do so under applicable State insurance
9 laws and regulatory requirements.

10 (7) NATIVE HAWAIIAN ORGANIZATION.—The
11 term “Native Hawaiian organization”—

12 (A) means an organization that—

13 (i) serves and represents the interests
14 of Native Hawaiians;

15 (ii) provides services to Native Hawai-
16 ians; and

17 (iii) has expertise in Native Hawaiian
18 affairs; and

19 (B) includes Native Hawaiian organiza-
20 tions registered with Office of Native Hawaiian
21 Relations of the Department of the Interior.

22 (8) SECRETARY.—The term “Secretary” means
23 the Secretary of Homeland Security.

1 (9) TRIBAL GOVERNMENT.—The term “Tribal
2 government” means the recognized governing body
3 of an Indian Tribe.

4 (j) PRESERVATION OF STATE AUTHORITY.—Nothing
5 in this Act, including any grant condition, guidance, pro-
6 gram requirement, or other action taken pursuant to this
7 Act, shall be construed to preempt, supersede, impair, or
8 otherwise affect the application of State insurance laws
9 or the authority of a State insurance regulator to regulate
10 the business of insurance. To the extent any provision of
11 this Act relates to the business of insurance, the Act of
12 March 9, 1945 (commonly known as the “McCarran-Fer-
13 guson Act”) shall apply. No provision of this Act shall be
14 construed to authorize any Federal department, agency,
15 officer, employee, contractor, grantee, or program admin-
16 istrator to approve insurance products, establish insurance
17 rates, license insurers or producers, approve policy forms,
18 regulate claims handling, establish market conduct stand-
19 ards, or otherwise exercise authority reserved to State in-
20 surance regulators under applicable State laws and regu-
21 latory requirements.

22 (k) AUTHORIZATION OF APPROPRIATIONS.—There is
23 authorized to be appropriated to the Secretary
24 \$20,000,000 for each of fiscal years 2027 through 2031

1 to carry out the grant program established under sub-
2 section (a).