

115TH CONGRESS
1ST SESSION

S. 2093

To amend the Omnibus Public Land Management Act of 2009 to clarify the authority of the Administrator of the Federal Emergency Management Agency with respect to post-storm assessments, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 7, 2017

Mr. WICKER introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To amend the Omnibus Public Land Management Act of 2009 to clarify the authority of the Administrator of the Federal Emergency Management Agency with respect to post-storm assessments, 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 “COASTAL Implemen-
5 tation Act of 2017”.

1 **SEC. 2. NAMED STORM EVENT MODEL AND POST-STORM**
2 **ASSESSMENTS.**

3 (a) AMENDMENTS TO THE OMNIBUS PUBLIC LAND
4 MANAGEMENT ACT OF 2009.—Section 12312 of the Om-
5 nibus Public Land Management Act of 2009 (33 U.S.C.
6 3611) is amended—

7 (1) in subsection (a)—

8 (A) in paragraph (6), by inserting “sus-
9 tained” before “winds”; and

10 (B) in paragraph (7), by striking “that
11 threaten any portion of a coastal State” and in-
12 serting “for which post-storm assessments are
13 conducted”;

14 (2) in subsection (b)—

15 (A) in paragraph (1)—

16 (i) in subparagraph (A)—

17 (I) by striking “540 days after
18 the date of the enactment of the Con-
19 sumer Option for an Alternative Sys-
20 tem to Allocate Losses Act of 2012”
21 and inserting “June 1, 2019”; and

22 (II) by striking “by regulation”;

23 (ii) in subparagraph (B), by striking
24 “every” and inserting “an”; and

25 (iii) by adding at the end the fol-
26 lowing:

1 “(C) PUBLIC REVIEW.—The Administrator
2 shall seek input and suggestions from the public
3 before the Named Storm Event Model, or any
4 modification to the Named Storm Event Model,
5 takes effect.”;

6 (B) in paragraph (2)—

7 (i) by redesignating subparagraphs
8 (B) and (C) as subparagraphs (D) and
9 (E), respectively;

10 (ii) by inserting after subparagraph
11 (A) the following:

12 “(B) DATA COLLECTION.—

13 “(i) IN GENERAL.—Upon identifica-
14 tion of a named storm under subparagraph
15 (A), and pursuant to the protocol estab-
16 lished under subsection (c), the Adminis-
17 trator may deploy sensors to enhance the
18 collection of covered data in the areas in
19 coastal States that the Administrator de-
20 termines are at the highest risk of experi-
21 encing geophysical events that would cause
22 indeterminate losses.

23 “(ii) RULE OF CONSTRUCTION.—If
24 the Administrator takes action under
25 clause (i), that action may not be con-

1 strued as indicating that a post-storm as-
2 sessment will be developed for any coastal
3 State in which that action is taken.

4 “(C) IDENTIFICATION OF INDETERMINATE
5 LOSSES IN COASTAL STATES.—Not later than
6 30 days after the first date on which sustained
7 winds of not less than 39 miles per hour are
8 measured in a coastal State during a named
9 storm identified under subparagraph (A), the
10 Secretary of Homeland Security shall notify the
11 Administrator with respect to the existence of
12 any indeterminate losses in that coastal State
13 resulting from that named storm.”;

14 (iii) in subparagraph (D), as so redes-
15 ignated—

16 (I) by striking “identification of
17 a named storm under subparagraph
18 (A)” and inserting “confirmation of
19 indeterminate losses identified under
20 subparagraph (C) with respect to a
21 named storm”; and

22 (II) by striking “assessment for
23 such named storm” and inserting “as-
24 sessment for each coastal State that

1 suffered such indeterminate losses as
2 a result of the named storm”;

3 (iv) in subparagraph (E), as so reded-
4 ignated—

5 (I) by striking “an identification
6 of a named storm is made under sub-
7 paragraph (A)” and inserting “inde-
8 terminate losses are identified under
9 subparagraph (C)”;

10 (II) by striking “for such storm
11 under subparagraph (B)” and insert-
12 ing “under subparagraph (D), any
13 coastal State that suffered such
14 losses”;

15 (v) by adding at the end the following:

16 “(F) SEPARATE POST-STORM ASSESS-
17 MENTS FOR A SINGLE NAMED STORM.—

18 “(i) IN GENERAL.—The Administrator
19 may conduct a separate post-storm assess-
20 ment for each coastal State in which inde-
21 terminate losses are identified under sub-
22 paragraph (C).

23 “(ii) TIMELINE.—If the Administrator
24 conducts a separate post-storm assessment
25 under clause (i), the Administrator shall

1 complete the assessment based on the
2 dates of actions that the Administrator
3 takes under subparagraphs (C) and (D).”;
4 and

5 (3) in subsection (c)—

6 (A) in paragraph (1), by striking “540
7 days after the date of the enactment of the
8 Consumer Option for an Alternative System to
9 Allocate Losses Act of 2012” and inserting
10 “June 1, 2019”;

11 (B) in paragraph (2), by inserting “, in the
12 discretion of the Administrator,” after “of sen-
13 sors as may”; and

14 (C) in paragraph (4)(B), by inserting “and
15 expend” after “receive”.

16 (b) AMENDMENT TO THE NATIONAL FLOOD INSUR-
17 ANCE ACT OF 1968.—Section 1337(a)(5) of the National
18 Flood Insurance Act of 1968 (42 U.S.C. 4057(a)(5)) is
19 amended by inserting “sustained” after “maximum”.

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