

National Windstorm Impact Reduction Act of 2004

[Public Law 108-360]

[As amended through Public Law 117-286, Enacted December 27, 2022]

[Currency: This publication is a compilation of the text of Public Law 108-360. It was last amended by the public law listed in the As Amended Through note above and below at the bottom of each page of the pdf version and reflects current law through the date of the enactment of the public law listed at <https://www.govinfo.gov/app/collection/comps/>]

[Note: While this publication does not represent an official version of any Federal statute, substantial efforts have been made to ensure the accuracy of its contents. The official version of Federal law is found in the United States Statutes at Large and in the United States Code. The legal effect to be given to the Statutes at Large and the United States Code is established by statute (1 U.S.C. 112, 204).]

AN ACT To reauthorize the National Earthquake Hazards Reduction Program, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * *

TITLE II—WINDSTORM IMPACT REDUCTION

SEC. 201. [42 U.S.C. 15701 note] SHORT TITLE.

This Act may be cited as the “National Windstorm Impact Reduction Act Reauthorization of 2015”.

SEC. 202. [42 U.S.C. 15701] FINDINGS.

The Congress finds the following:

(1) Hurricanes, tropical storms, tornadoes, and thunderstorms can cause significant loss of life, injury, destruction of property, and economic and social disruption. All States and regions are vulnerable to these hazards.

(2) The United States currently sustains several billion dollars in economic damages each year due to these windstorms. In recent decades, rapid development and population growth in high-risk areas has greatly increased overall vulnerability to windstorms.

(3) Improved windstorm impact reduction measures have the potential to reduce these losses through—

(A) cost-effective and affordable design and construction methods and practices;

(B) effective mitigation programs at the local, State, and national level;

(C) improved data collection and analysis and impact prediction methodologies;

(D) engineering research on improving new structures and retrofitting existing ones to better withstand windstorms, atmospheric-related research to better understand the behavior and impact of windstorms on the built environment, and subsequent application of those research results; and

(E) public education and outreach.

(4) There is an appropriate role for the Federal Government in supporting windstorm impact reduction. An effective Federal program in windstorm impact reduction will require interagency coordination, and input from individuals, academia, the private sector, and other interested non-Federal entities.

SEC. 203. [42 U.S.C. 15702] DEFINITIONS.

In this title:

(1) DIRECTOR. The term “Director” means the Director of the National Institute of Standards and Technology.

(2) LIFELINES.—The term “lifelines” means public works and utilities, including transportation facilities and infrastructure, oil and gas pipelines, electrical power and communication facilities and infrastructure, and water supply and sewage treatment facilities.

(3) PROGRAM.—The term “Program” means the National Windstorm Impact Reduction Program established by section 204(a).

(4) STATE.—The term “State” means each of the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

(5) WINDSTORM.—The term “windstorm” means any storm with a damaging or destructive wind component, such as a hurricane, tropical storm, northeaster, tornado, or thunderstorm.

SEC. 204. [42 U.S.C. 15703] NATIONAL WINDSTORM IMPACT REDUCTION PROGRAM.

(a) ESTABLISHMENT.—There is established the National Windstorm Impact Reduction Program, the purpose of which is to achieve major measurable reductions in the losses of life and property from windstorms through a coordinated Federal effort, in co-operation with other levels of government, academia, and the private sector, aimed at improving the understanding of windstorms and their impacts and developing and encouraging the implementation of cost-effective mitigation measures to reduce those impacts.

(b) RESPONSIBILITIES OF PROGRAM AGENCIES.—

(1) LEAD AGENCY.—The National Institute of Standards and Technology shall have the primary responsibility for planning and coordinating the Program. In carrying out this paragraph, the Director shall—

(A) ensure that the Program includes the necessary components to promote the implementation of windstorm risk reduction measures by Federal, State, and local governments, national standards and model building code organizations, architects and engineers, and others with a role in planning and constructing buildings and lifelines;

(B) support the development of performance-based engineering tools, and work with appropriate groups to promote the commercial application of such tools, including through wind-related model building codes, voluntary standards, and construction best practices;

(C) request the assistance of Federal agencies other than the Program agencies, as necessary to assist in carrying out this Act;

(D) coordinate all Federal post-windstorm investigations to the extent practicable; and

(E) when warranted by research or investigative findings, issue recommendations to assist in informing the development of model codes, and provide information to Congress on the use of such recommendations.

(2) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—In addition to the lead agency responsibilities described under paragraph (1), the National Institute of Standards and Technology shall be responsible for carrying out research and development to improve model building codes, voluntary standards, and best practices for the design, construction, and retrofit of buildings, structures, and lifelines.

(3) NATIONAL SCIENCE FOUNDATION.—The National Science Foundation shall support research in—

(A) engineering and the atmospheric sciences to improve the understanding of the behavior of windstorms and their impact on buildings, structures, and lifelines; and

(B) economic and social factors influencing windstorm risk reduction measures.

(4) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—The National Oceanic and Atmospheric Administration shall support atmospheric sciences research to improve the understanding of the behavior of windstorms and their impact on buildings, structures, and lifelines.

(5) FEDERAL EMERGENCY MANAGEMENT AGENCY.—The Federal Emergency Management Agency shall—

(A) support—

(i) the development of risk assessment tools and effective mitigation techniques;

(ii) windstorm-related data collection and analysis;

(iii) public outreach and information dissemination; and

(iv) promotion of the adoption of windstorm preparedness and mitigation measures, including for households, businesses, and communities, consistent with the Agency's all-hazards approach; and

(B) work closely with national standards and model building code organizations, in conjunction with the Na-

tional Institute of Standards and Technology, to promote the implementation of research results and promote better building practices within the building design and construction industry, including architects, engineers, contractors, builders, and inspectors.

(c) PROGRAM COMPONENTS.—

(1) IN GENERAL.—The Program shall consist of three primary mitigation components: improved understanding of windstorms, windstorm impact assessment, and windstorm impact reduction. The components shall be implemented through activities such as data collection and analysis, risk assessment, outreach, technology transfer, and research and development. To the extent practicable, research activities authorized under this title shall be peer-reviewed, and the components shall be designed to be complementary to, and avoid duplication of, other public and private hazard reduction efforts.

(2) UNDERSTANDING OF WINDSTORMS.—Activities to enhance the understanding of windstorms shall include research to improve knowledge of and data collection on the impact of severe wind on buildings, structures, and infrastructure.

(3) WINDSTORM IMPACT ASSESSMENT.—Activities to improve windstorm impact assessment shall include—

(A) development of mechanisms for collecting and inventorying information on the performance of buildings, structures, and infrastructure in windstorms and improved collection of pertinent information from sources, including the design and construction industry, insurance companies, and building officials;

(B) research, development, and technology transfer to improve loss estimation and risk assessment systems; and

(C) research, development, and technology transfer to improve simulation and computational modeling of windstorm impacts.

(4) WINDSTORM IMPACT REDUCTION.—Activities to reduce windstorm impacts shall include—

(A) development of improved outreach and implementation mechanisms to translate existing information and research findings into cost-effective and affordable practices for design and construction professionals, and State and local officials;

(B) development of cost-effective and affordable windstorm-resistant systems, structures, and materials for use in new construction and retrofit of existing construction; and

(C) outreach and information dissemination related to cost-effective and affordable construction techniques, loss estimation and risk assessment methodologies, and other pertinent information regarding windstorm phenomena to Federal, State, and local officials, the construction industry, and the general public.

(d) BUDGET ACTIVITIES.—The Director of the National Institute of Standards and Technology, the Director of the National Science Foundation, the Director of the National Oceanic and Atmospheric Administration, and the Director of the Federal Emergency Man-

agement Agency shall each include in their agency's annual budget request to Congress a description of their agency's projected activities under the Program for the fiscal year covered by the budget request, along with an assessment of what they plan to spend on those activities for that fiscal year.

(e) INTERAGENCY COORDINATING COMMITTEE ON WINDSTORM IMPACT REDUCTION.—

(1) ESTABLISHMENT.—There is established an Interagency Coordinating Committee on Windstorm Impact Reduction, chaired by the Director or the Director's designee.

(2) MEMBERSHIP.—In addition to the chair, the Committee shall be composed of—

(A) the heads or such designees of—

(i) the Federal Emergency Management Agency;
(ii) the National Oceanic and Atmospheric Administration;

(iii) the National Science Foundation;

(iv) the Office of Science and Technology Policy;

and

(v) the Office of Management and Budget; and

(B) the head of any other Federal agency, or such designee, the chair considers appropriate.

(3) MEETINGS.—The Committee shall meet not less than once a year at the call of the Director of the National Institute of Standards and Technology.

(4) GENERAL PURPOSE AND DUTIES.—The Committee shall oversee the planning and coordination of the Program.

(5) STRATEGIC PLAN.—The Committee shall develop and submit to Congress, not later than 1 year after the date of enactment of the National Windstorm Impact Reduction Act Reauthorization of 2015, a Strategic Plan for the Program that includes—

(A) prioritized goals for the Program that will mitigate against the loss of life and property from future windstorms;

(B) short-term, mid-term, and long-term research objectives to achieve those goals;

(C) a description of the role of each Program agency in achieving the prioritized goals;

(D) the methods by which progress towards the goals will be assessed; and

(E) an explanation of how the Program will foster the transfer of research results into outcomes, such as improved model building codes.

(6) PROGRESS REPORT.—Not later than 18 months after the date of enactment of the National Windstorm Impact Reduction Act Reauthorization of 2015, the Committee shall submit to the Congress a report on the progress of the Program that includes—

(A) a description of the activities funded under the Program, a description of how these activities align with the prioritized goals and research objectives established in the Strategic Plan, and the budgets, per agency, for these activities;

(B) the outcomes achieved by the Program for each of the goals identified in the Strategic Plan;

(C) a description of any recommendations made to change existing building codes that were the result of Program activities; and

(D) a description of the extent to which the Program has incorporated recommendations from the Advisory Committee on Windstorm Impact Reduction.

(7) COORDINATED BUDGET.—The Committee shall develop a coordinated budget for the Program, which shall be submitted to the Congress not later than 60 days after the date of the President's budget submission for each fiscal year.

SEC. 205. [42 U.S.C. 15704] NATIONAL ADVISORY COMMITTEE ON WINDSTORM IMPACT REDUCTION

(a) IN GENERAL.—The Director of the National Institute of Standards and Technology shall establish an Advisory Committee on Windstorm Impact Reduction, which shall be composed of at least 7 and not more than 15 members who are qualified to provide advice on windstorm impact reduction and represent related scientific, architectural, and engineering disciplines, none of whom may be employees of the Federal Government, including—

- (1) representatives of research and academic institutions;
- (2) industry standards development organizations;
- (3) emergency management agencies;
- (4) State and local government; and
- (5) business communities, including the insurance industry.

(b) ASSESSMENTS.—The Advisory Committee on Windstorm Impact Reduction shall offer assessments and recommendations on—

- (1) trends and developments in the natural, engineering, and social sciences and practices of windstorm impact mitigation;
- (2) the priorities of the Program's Strategic Plan;
- (3) the coordination of the Program;
- (4) the effectiveness of the Program in meeting its purposes; and
- (5) any revisions to the Program which may be necessary.

(c) COMPENSATION.—The members of the Advisory Committee established under this section shall serve without compensation.

(d) REPORTS.—At least every 2 years, the Advisory Committee shall report to the Director on the assessments carried out under subsection (b) and its recommendations for ways to improve the Program.

(e) CHARTER.—Notwithstanding section 1013(b)(2) of title 5, United States Code, the Advisory Committee shall not be required to file a charter subsequent to its initial charter, filed under section 1008(c) of title 5, United States Code, before the termination date specified in subsection (f) of this section.

(f) TERMINATION.—The Advisory Committee shall terminate on September 30, 2017.

(g) CONFLICT OF INTEREST.—An Advisory Committee member shall recuse himself from any Advisory Committee activity in which he has an actual pecuniary interest.

SEC. 206. [42 U.S.C. 15705] SAVINGS CLAUSE

Nothing in this title supersedes any provision of the National Manufactured Housing Construction and Safety Standards Act of 1974. No design, construction method, practice, technology, material, mitigation methodology, or hazard reduction measure of any kind developed under this title shall be required for a home certified under section 616 of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5415), pursuant to standards issued under such Act, without being subject to the consensus development process and rulemaking procedures of that Act.

SEC. 207. [42 U.S.C. 15706] AUTHORIZATION OF APPROPRIATIONS

(a) FEDERAL EMERGENCY MANAGEMENT AGENCY.—There are authorized to be appropriated to the Federal Emergency Management Agency for carrying out this title—

- (1) \$5,332,000 for fiscal year 2015;
- (2) \$5,332,000 for fiscal year 2016; and
- (3) \$5,332,000 for fiscal year 2017.

(b) NATIONAL SCIENCE FOUNDATION.—There are authorized to be appropriated to the National Science Foundation for carrying out this title—

- (1) \$9,682,000 for fiscal year 2015;
- (2) \$9,682,000 for fiscal year 2016; and
- (3) \$9,682,000 for fiscal year 2017.

(c) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—There are authorized to be appropriated to the National Institute of Standards and Technology for carrying out this title—

- (1) \$4,120,000 for fiscal year 2015;
- (2) \$4,120,000 for fiscal year 2016; and
- (3) \$4,120,000 for fiscal year 2017.

(d) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—There are authorized to be appropriated to the National Oceanic and Atmospheric Administration for carrying out this title—

- (1) \$2,266,000 for fiscal year 2015;
- (2) \$2,266,000 for fiscal year 2016; and
- (3) \$2,266,000 for fiscal year 2017.

* * * * *

SEC. 209. [42 U.S.C. 15707] COORDINATION

The Secretary of Commerce, the Director of the National Institute of Standards and Technology, the Director of the Office of Science and Technology Policy and the heads of other Federal departments and agencies carrying out activities under this title and the statutes amended by this title shall work together to ensure that research, technologies, and response techniques are shared among the programs authorized in this title in order to coordinate the Nation's efforts to reduce vulnerability to the hazards described in this title.