

108TH CONGRESS
2D SESSION

H. R. 3980

IN THE SENATE OF THE UNITED STATES

JULY 12, 2004

Received; read twice and referred to the Committee on Commerce, Science,
and Transportation

AN ACT

To establish a National Windstorm Impact Reduction
Program.

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 may be cited as the “National Windstorm
3 Impact Reduction Act of 2004”.

4 **SEC. 2. FINDINGS.**

5 The Congress finds the following:

6 (1) Hurricanes, tropical storms, tornadoes, and
7 thunderstorms can cause significant loss of life, in-
8 jury, destruction of property, and economic and so-
9 cial disruption. All States and regions are vulnerable
10 to these hazards.

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

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

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

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

24 (C) improved data collection and analysis
25 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. 3. DEFINITIONS.

In this Act:

(1) The term “Director” means the Director of the Office of Science and Technology Policy.

(2) 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.

1 (3) The term “windstorm” means any storm
2 with a damaging or destructive wind component,
3 such as a hurricane, tropical storm, tornado, or
4 thunderstorm.

5 **SEC. 4. NATIONAL WINDSTORM IMPACT REDUCTION PRO-**
6 **GRAM.**

7 (a) ESTABLISHMENT.—There is established the Na-
8 tional Windstorm Impact Reduction Program (in this Act
9 referred to as the “Program”).

10 (b) OBJECTIVE.—The objective of the Program is the
11 achievement of major measurable reductions in losses of
12 life and property from windstorms. The objective is to be
13 achieved through a coordinated Federal effort, in coopera-
14 tion with other levels of government, academia, and the
15 private sector, aimed at improving the understanding of
16 windstorms and their impacts and developing and encour-
17 aging implementation of cost-effective mitigation meas-
18 ures to reduce those impacts.

19 (c) INTERAGENCY WORKING GROUP.—Not later than
20 90 days after the date of enactment of this Act, the Direc-
21 tor shall establish an Interagency Working Group con-
22 sisting of representatives of the National Science Founda-
23 tion, the National Oceanic and Atmospheric Administra-
24 tion, the National Institute of Standards and Technology,
25 the Federal Emergency Management Agency, and other

1 Federal agencies as appropriate. The Director shall des-
2 ignate an agency to serve as Chair of the Working Group
3 and be responsible for the planning, management, and co-
4 ordination of the Program, including budget coordination.
5 Specific agency roles and responsibilities under the Pro-
6 gram shall be defined in the implementation plan required
7 under subsection (e). General agency responsibilities shall
8 include the following:

9 (1) The National Institute of Standards and
10 Technology shall support research and development
11 to improve building codes and standards and prac-
12 tices for design and construction of buildings, struc-
13 tures, and lifelines.

14 (2) The National Science Foundation shall sup-
15 port research in engineering and the atmospheric
16 sciences to improve the understanding of the behav-
17 ior of windstorms and their impact on buildings,
18 structures, and lifelines.

19 (3) The National Oceanic and Atmospheric Ad-
20 ministration shall support atmospheric sciences re-
21 search to improve the understanding of the behavior
22 of windstorms and their impact on buildings, struc-
23 tures, and lifelines.

24 (4) The Federal Emergency Management Agen-
25 cy shall support the development of risk assessment

1 tools and effective mitigation techniques, windstorm-
2 related data collection and analysis, public outreach,
3 information dissemination, and implementation of
4 mitigation measures consistent with the Agency's
5 all-hazards approach.

6 (d) PROGRAM COMPONENTS.—

7 (1) IN GENERAL.—The Program shall consist
8 of three primary mitigation components: improved
9 understanding of windstorms, windstorm impact as-
10 sessment, and windstorm impact reduction. The
11 components shall be implemented through activities
12 such as data collection and analysis, risk assess-
13 ment, outreach, technology transfer, and research
14 and development. To the extent practicable, research
15 activities authorized under this Act shall be peer-re-
16 viewed, and the components shall be designed to be
17 complementary to, and avoid duplication of, other
18 public and private hazard reduction efforts.

19 (2) UNDERSTANDING OF WINDSTORMS.—Activi-
20 ties to enhance the understanding of windstorms
21 shall include research to improve knowledge of and
22 data collection on the impact of severe wind on
23 buildings, structures, and infrastructure.

1 (3) WINDSTORM IMPACT ASSESSMENT.—Activi-
2 ties to improve windstorm impact assessment shall
3 include—

4 (A) development of mechanisms for col-
5 lecting and inventorying information on the per-
6 formance of buildings, structures, and infra-
7 structure in windstorms and improved collection
8 of pertinent information from sources, including
9 the design and construction industry, insurance
10 companies, and building officials;

11 (B) research, development, and technology
12 transfer to improve loss estimation and risk as-
13 sessment systems; and

14 (C) research, development, and technology
15 transfer to improve simulation and computa-
16 tional modeling of windstorm impacts.

17 (4) WINDSTORM IMPACT REDUCTION.—Activi-
18 ties to reduce windstorm impacts shall include—

19 (A) development of improved outreach and
20 implementation mechanisms to translate exist-
21 ing information and research findings into cost-
22 effective and affordable practices for design and
23 construction professionals, and State and local
24 officials;

1 (B) development of cost-effective and af-
2 fordable windstorm-resistant systems, struc-
3 tures, and materials for use in new construction
4 and retrofit of existing construction; and

5 (C) outreach and information dissemina-
6 tion related to cost-effective and affordable con-
7 struction techniques, loss estimation and risk
8 assessment methodologies, and other pertinent
9 information regarding windstorm phenomena to
10 Federal, State, and local officials, the construc-
11 tion industry, and the general public.

12 (e) IMPLEMENTATION PLAN.—Not later than 1 year
13 after date of enactment of this Act, the Interagency Work-
14 ing Group shall develop and transmit to the Congress an
15 implementation plan for achieving the objectives of the
16 Program. The plan shall include—

17 (1) an assessment of past and current public
18 and private efforts to reduce windstorm impacts, in-
19 cluding a comprehensive review and analysis of
20 windstorm mitigation activities supported by the
21 Federal Government;

22 (2) a description of plans for technology trans-
23 fer and coordination with natural hazard mitigation
24 activities supported by the Federal Government;

1 (3) a statement of strategic goals and priorities
2 for each Program component area;

3 (4) a description of how the Program will
4 achieve such goals, including detailed responsibilities
5 for each agency; and

6 (5) a description of plans for cooperation and
7 coordination with interested public and private sec-
8 tor entities in each program component area.

9 (f) BIENNIAL REPORT.—The Interagency Working
10 Group shall, on a biennial basis, and not later than 180
11 days after the end of the preceding 2 fiscal years, transmit
12 a report to the Congress describing the status of the wind-
13 storm impact reduction program, including progress
14 achieved during the preceding two fiscal years. Each such
15 report shall include any recommendations for legislative
16 and other action the Interagency Working Group con-
17 siders necessary and appropriate. In developing the bien-
18 nial report, the Interagency Working Group shall consider
19 the recommendations of the Advisory Committee estab-
20 lished under section 5.

21 **SEC. 5. NATIONAL ADVISORY COMMITTEE ON WINDSTORM**
22 **IMPACT REDUCTION.**

23 (a) ESTABLISHMENT.—The Director shall establish a
24 National Advisory Committee on Windstorm Impact Re-
25 duction, consisting of not less than 11 and not more than

1 15 non-Federal members representing a broad cross sec-
2 tion of interests such as the research, technology transfer,
3 design and construction, and financial communities; mate-
4 rials and systems suppliers; State, county, and local gov-
5 ernments; the insurance industry; and other representa-
6 tives as designated by the Director.

7 (b) ASSESSMENT.—The Advisory Committee shall as-
8 sess—

9 (1) trends and developments in the science and
10 engineering of windstorm impact reduction;

11 (2) the effectiveness of the Program in carrying
12 out the activities under section 4(d);

13 (3) the need to revise the Program; and

14 (4) the management, coordination, implementa-
15 tion, and activities of the Program.

16 (c) BIENNIAL REPORT.—At least once every two
17 years, the Advisory Committee shall report to Congress
18 and the Interagency Working Group on the assessment
19 carried out under subsection (b).

20 (d) SUNSET EXEMPTION.—Section 14 of the Federal
21 Advisory Committee Act shall not apply to the Advisory
22 Committee established under this section.

23 **SEC. 6. SAVINGS CLAUSE.**

24 Nothing in this Act supersedes any provision of the
25 National Manufactured Housing Construction and Safety

1 Standards Act of 1974. No design, construction method,
2 practice, technology, material, mitigation methodology, or
3 hazard reduction measure of any kind developed under
4 this Act shall be required for a home certified under sec-
5 tion 616 of the National Manufactured Housing Construc-
6 tion and Safety Standards Act of 1974 (42 U.S.C. 5415),
7 pursuant to standards issued under such Act, without
8 being subject to the consensus development process and
9 rulemaking procedures of that Act.

10 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

11 (a) FEDERAL EMERGENCY MANAGEMENT AGEN-
12 CY.—There are authorized to be appropriated to the Fed-
13 eral Emergency Management Agency for carrying out this
14 Act—

15 (1) \$8,700,000 for fiscal year 2006; and

16 (2) \$9,400,000 for fiscal year 2007.

17 (b) NATIONAL SCIENCE FOUNDATION.—From sums
18 otherwise authorized to be appropriated, there are author-
19 ized to be appropriated to the National Science Founda-
20 tion for carrying out this Act—

21 (1) \$8,700,000 for fiscal year 2006; and

22 (2) \$9,400,000 for fiscal year 2007.

23 (c) NATIONAL INSTITUTE OF STANDARDS AND
24 TECHNOLOGY.—From sums otherwise authorized to be
25 appropriated, there are authorized to be appropriated to

1 the National Institute of Standards and Technology for
2 carrying out this Act—

3 (1) \$3,000,000 for fiscal year 2006; and

4 (2) \$4,000,000 for fiscal year 2007.

5 (d) NATIONAL OCEANIC AND ATMOSPHERIC ADMIN-
6 ISTRATION.—From sums otherwise authorized to be ap-
7 propriated, there are authorized to be appropriated to the
8 National Oceanic and Atmospheric Administration for car-
9 rying out this Act—

10 (1) \$2,100,000 for fiscal year 2006; and

11 (2) \$2,200,000 for fiscal year 2007.

12 **SEC. 8. BIENNIAL REPORT.**

13 Section 37(a) of the Science and Engineering Equal
14 Opportunities Act (42 U.S.C. 1885d(a)) is amended by
15 striking “By January 30, 1982, and biennially thereafter”
16 and inserting “By January 30 of each odd-numbered
17 year”.

Passed the House of Representatives July 7, 2004.

Attest:

JEFF TRANDAHL,

Clerk.