

110TH CONGRESS
2D SESSION

S. 3638

To reauthorize the National Windstorm Impact Reduction Program, and
for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 26 (legislative day, SEPTEMBER 17), 2008

Mr. NELSON of Florida introduced the following bill; which was read twice and
referred to the Committee on Commerce, Science, and Transportation

A BILL

To reauthorize the National Windstorm Impact Reduction
Program, 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 “National Windstorm
5 Impact Reduction Reauthorization Act of 2008”.

6 **SEC. 2. FINDINGS.**

7 Section 202 of the National Windstorm Impact Re-
8 duction Act of 2004 (42 U.S.C. 15701) is amended—

9 (1) by redesignating paragraphs (3) and (4) as
10 paragraphs (4) and (5), respectively;

1 (2) by inserting after paragraph (2) the fol-
2 lowing:

3 “(3) Global climate variability and climate
4 change may alter the frequency and intensity of se-
5 vere windstorm events, but further research is need-
6 ed to identify any such linkages and, if appropriate,
7 to incorporate climate-related impacts into wind-
8 storm risk and vulnerability assessments and mitiga-
9 tion activities.”; and

10 (3) in paragraph (5), as redesignated, by strik-
11 ing “interagency coordination” and inserting “co-
12 ordination among Federal agencies and with State
13 and local governments”.

14 **SEC. 3. DEFINITIONS.**

15 (a) DIRECTOR.—Section 203(1) of the National
16 Windstorm Impact Reduction Act of 2004 (42 U.S.C.
17 15702(1)) is amended by striking “Office of Science and
18 Technology Policy” and inserting “National Institute of
19 Standards and Technology”.

20 (b) INTERAGENCY WORKING GROUP.—Section 203
21 of such Act (42 U.S.C. 15702) is amended—

22 (1) by redesignating paragraphs (2) through
23 (4) as paragraphs (3) through (5), respectively; and

24 (2) by inserting after paragraph (1) the fol-
25 lowing:

1 “(2) INTERAGENCY WORKING GROUP.—The
 2 term ‘Interagency Working Group’ means the Inter-
 3 agency Working Group on Wind Impact Reduction
 4 established pursuant to section 204(f).”.

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

7 (a) LEAD FEDERAL AGENCY.—Section 204 of the
 8 National Windstorm Impact Reduction Act of 2004 (42
 9 U.S.C. 15703) is amended—

10 (1) by striking subsection (c);

11 (2) by redesignating subsection (d) as sub-
 12 section (c); and

13 (3) by inserting after subsection (c), as redesign-
 14 nated, the following:

15 “(d) LEAD FEDERAL AGENCY.—The National Insti-
 16 tute of Standards and Technology shall be the lead Fed-
 17 eral agency for planning, management, and coordination
 18 of the Program. In carrying out this subsection, the Direc-
 19 tor shall—

20 “(1) establish a Program Office, which shall be
 21 under the direction of a full-time Program Director,
 22 to provide the planning, management, and coordina-
 23 tion functions described in subsection (e);

24 “(2) in conjunction with other Program agen-
 25 cies, prepare an annual budget for the Program,

1 which shall be submitted to the Office of Manage-
2 ment and Budget and shall include, for each Pro-
3 gram agency and for each major goal established for
4 the Program components under subsection (c)—

5 “(A) the Program budget for the current
6 fiscal year; and

7 “(B) the proposed Program budget for the
8 subsequent fiscal year;

9 “(3) facilitate the preparation of the Inter-
10 agency Working Group’s biennial report to Congress
11 and the National Science and Technology Council
12 under subsection (j);

13 “(4) support research and development to im-
14 prove building codes, standards, and practices for
15 design and construction of buildings, structures, and
16 lifelines;

17 “(5) in conjunction with the Federal Emer-
18 gency Management Agency, work closely with na-
19 tional standards and model building code organiza-
20 tions to promote the implementation of research re-
21 sults;

22 “(6) in partnership with other Federal agencies,
23 State and local governments, academia, and the pri-
24 vate sector, support—

1 “(A) the organization and deployment of
2 comprehensive, discipline-oriented interagency
3 teams to investigate major windstorm events;
4 and

5 “(B) the gathering, publishing, and
6 archiving of collected data and analysis results;
7 and

8 “(7) participate in, coordinate, or support, as
9 needed, other Program mitigation activities author-
10 ized under subsection (c).”.

11 (b) PROGRAM OFFICE DUTIES.—Section 204 of such
12 Act, as amended by subsection (a), is further amended—

13 (1) by striking subsection (e);

14 (2) by redesignating subsection (f) as sub-
15 section (j); and

16 (3) by inserting after subsection (d), as added
17 by subsection (a)(3) of this Act, the following:

18 “(e) PROGRAM OFFICE.—The Program Office estab-
19 lished under subsection (d)(1) shall—

20 “(1) ensure that all statutory requirements, in-
21 cluding reporting requirements, are met in accord-
22 ance with this Act;

23 “(2) ensure coordination and synergy across the
24 Program agencies in meeting the strategic goals and
25 objectives of the Program;

1 “(3) implement an outreach program to identify
 2 and build effective partnerships with stakeholders in
 3 the construction and insurance industries, Federal,
 4 State, and local governments, academic and research
 5 institutions, and non-governmental entities, such as
 6 standards, codes, and technical organizations;

7 “(4) conduct studies on cross-cutting planning
 8 issues, particularly those that are significant for the
 9 development and updating of the strategic plan re-
 10 quired under subsection (i); and

11 “(5) conduct analysis and evaluation studies to
 12 measure the progress and results achieved in meet-
 13 ing the strategic goals and objectives of the Pro-
 14 gram.”.

15 (c) INTERAGENCY WORKING GROUP.—Section 204 of
 16 such Act (42 U.S.C. 15703) is further amended by insert-
 17 ing after subsection (e), as added by subsection (b)(3) of
 18 this Act, the following:

19 “(f) INTERAGENCY WORKING GROUP.—

20 “(1) IN GENERAL.—There is established an
 21 Interagency Working Group on Wind Impact Reduc-
 22 tion, which shall report to the Director.

23 “(2) PURPOSE.—The primary purpose of the
 24 Interagency Working Group is to coordinate activi-
 25 ties and facilitate better communication among the

1 Program agencies in reducing the impacts of wind-
2 storms.

3 “(3) DUTIES.—The Interagency Working
4 Group shall—

5 “(A) facilitate Program planning, analysis,
6 and evaluation;

7 “(B) facilitate coordination and synergy
8 among Program agencies in meeting the stra-
9 tegic goals and objectives of the Program;

10 “(C) prepare the coordinated interagency
11 budget for the Program;

12 “(D) prepare the interim working plan re-
13 quired under subsection (h);

14 “(E) prepare the strategic plan with stake-
15 holder input required under subsection (i);

16 “(F) prepare the biennial report to Con-
17 gress and the National Science and Technology
18 Council required under subsection (j);

19 “(G) work with States, local governments,
20 non-governmental organizations, industry, aca-
21 demia, and research institutions, as appro-
22 priate; and

23 “(H) in partnership with State and local
24 governments, academia, and the private sector,
25 facilitate—

1 “(i) the organization and deployment
2 of comprehensive discipline-oriented inter-
3 agency teams to investigate major wind-
4 storm events; and

5 “(ii) the gathering, publishing, and
6 archiving of collected data and analysis re-
7 sults.

8 “(4) MEMBERSHIP.—The Interagency Working
9 Group shall be comprised of 1 representative from—

10 “(A) the National Institute of Standards
11 and Technology;

12 “(B) the National Science Foundation;

13 “(C) the National Oceanic and Atmos-
14 pheric Administration;

15 “(D) the Federal Emergency Management
16 Agency;

17 “(E) the Department of Transportation;

18 “(F) the National Aeronautics and Space
19 Administration;

20 “(G) the United States Army Corps of En-
21 gineers;

22 “(H) the Office of Science and Technology
23 Policy; and

24 “(I) the Office of Management and Budg-
25 et.

1 “(5) CHAIR.—The Program Director referred
2 to in subsection (d)(1) shall chair the Interagency
3 Working Group.

4 “(6) DUTIES OF THE CHAIR.—The Chair
5 shall—

6 “(A) convene at least 4 Interagency Work-
7 ing Group meetings per year, the first of which
8 shall be convened not later than 90 days after
9 the date of the enactment of the National
10 Windstorm Impact Reduction Reauthorization
11 Act of 2008;

12 “(B) ensure the timely submission of the
13 Interagency Working Group’s biennial report to
14 Congress and the National Science and Tech-
15 nology Council required under subsection (j);
16 and

17 “(C) carry out such other duties as may be
18 necessary to carry out this Act.”.

19 (d) PROGRAM AGENCIES.—Section 204 of such Act
20 (42 U.S.C. 15703) is further amended by inserting after
21 subsection (f), as added by subsection (c) of this Act, the
22 following:

23 “(g) PROGRAM AGENCIES.—

24 “(1) NATIONAL SCIENCE FOUNDATION.—The
25 National Science Foundation shall support research

1 in engineering and the atmospheric sciences to im-
2 prove the understanding of the behavior of wind-
3 storms and the impact of windstorms on buildings,
4 structures, and lifelines.

5 “(2) NATIONAL OCEANIC AND ATMOSPHERIC
6 ADMINISTRATION.—The National Oceanic and At-
7 mospheric Administration shall support atmospheric
8 sciences research to improve the understanding of
9 the behavior of windstorms and the impact of wind-
10 storms on buildings, structures, and lifelines through
11 wind observations, modeling, and analysis.

12 “(3) FEDERAL EMERGENCY MANAGEMENT
13 AGENCY.—The Federal Emergency Management
14 Agency shall support—

15 “(A) the development of risk assessment
16 tools, effective mitigation techniques, and re-
17 lated guidance documents and products;

18 “(B) windstorm-related data collection and
19 analysis;

20 “(C) evacuation planning;

21 “(D) public outreach and information dis-
22 semination; and

23 “(E) the implementation of mitigation
24 measures consistent with the Federal Emer-

1 agency Management Agency’s all-hazards ap-
2 proach.

3 “(4) DEPARTMENT OF TRANSPORTATION.—The
4 Department of Transportation shall—

5 “(A) support research aimed at under-
6 standing, measuring, predicting, and designing
7 for wind effects on transportation infrastruc-
8 ture, including bridges; and

9 “(B) assist in evacuation planning.

10 “(5) NATIONAL AERONAUTICS AND SPACE AD-
11 MINISTRATION.—The National Aeronautics and
12 Space Administration shall support—

13 “(A) research to improve understanding of
14 the regional and global behavior of windstorms;
15 and

16 “(B) dissemination and utilization of ob-
17 servational data from existing satellites and
18 sensors, forecasts, and other analytical products
19 that can aid in reducing windstorm impacts.

20 “(6) UNITED STATES ARMY CORPS OF ENGI-
21 NEERS.—The United States Army Corps of Engi-
22 neers shall—

23 “(A) support research to improve under-
24 standing of wind effects on storm surge and
25 other flooding; and

1 “(B) support the development of evacu-
2 ation plans and other activities or tools to re-
3 duce the potential for loss of life or structure
4 damage resulting from windstorms.”.

5 (e) INTERIM WORKING PLAN; STRATEGIC PLAN.—
6 Section 204 of such Act (42 U.S.C. 15703) is further
7 amended by inserting after subsection (g), as added by
8 subsection (d) of this Act, the following:

9 “(h) INTERIM WORKING PLAN.—Not later than 6
10 months after the date of the enactment of this subsection,
11 the Interagency Working Group shall submit to Congress
12 an interim working plan that will guide the implementa-
13 tion of Program operations until the approval of the stra-
14 tegic plan under subsection (i).

15 “(i) STRATEGIC PLAN.—

16 “(1) IN GENERAL.—Not later than 18 months
17 after the date of the enactment of this subsection,
18 the Interagency Working Group shall submit to Con-
19 gress a strategic plan for achieving the objectives of
20 the Program.

21 “(2) CONTENTS.—The strategic plan shall in-
22 clude—

23 “(A) strategic goals and objectives for each
24 Program component area to be achieved in the
25 areas of data collection and analysis, risk as-

1 assessment, outreach, technology transfer, and re-
2 search and development;

3 “(B) an assessment of the strategic prior-
4 ities required to fill critical gaps in knowledge
5 and practice to ensure reduction in future wind-
6 storm impacts based on a review of past and
7 current public and private sector efforts, includ-
8 ing windstorm mitigation activities supported
9 by the Federal Government;

10 “(C) measurable outputs and outcomes to
11 achieve the strategic goals and objectives;

12 “(D) a description of how the Program will
13 achieve such goals and objectives including de-
14 tailed responsibilities for each Program agency;
15 and

16 “(E) plans for cooperation and coordina-
17 tion with interested public and private sector
18 entities in each Program component area.

19 “(3) INITIAL DEVELOPMENT.—The strategic
20 plan—

21 “(A) shall be developed with stakeholder
22 input; and

23 “(B) shall not be initially required to be
24 reviewed by the National Advisory Committee
25 on Windstorm Impact Reduction.

1 “(4) REGULAR UPDATES.—Not less frequently
2 than once every 3 years, the strategic plan—

3 “(A) shall be updated with stakeholder
4 input; and

5 “(B) shall be reviewed by the National Ad-
6 visory Committee on Windstorm Impact Reduc-
7 tion.”.

8 (f) BIENNIAL REPORT.—Section 204(j) of such Act,
9 as redesignated by subsection (b)(2), is amended to read
10 as follows:

11 “(j) BIENNIAL REPORT.—The Interagency Working
12 Group, on a biennial basis, and not later than 90 days
13 after the end of the preceding 2 fiscal years, shall—

14 “(1) after considering the recommendations of
15 the advisory committee established under section
16 205, prepare a biennial report that describes the sta-
17 tus of the Program, including—

18 “(A) Program activities and progress
19 achieved during the preceding 2 fiscal years in
20 meeting goals established for each Program
21 component under subsection (c);

22 “(B) challenges and impediments to the
23 fulfillment of the Program’s objectives; and

1 “(C) any recommendations for legislative
 2 and other action the Interagency Working
 3 Group considers necessary and appropriate; and
 4 “(2) submit the report prepared under para-
 5 graph (1) to Congress and the National Science and
 6 Technology Council.”.

7 **SEC. 5. NATIONAL ADVISORY COMMITTEE ON WINDSTORM**
 8 **IMPACT REDUCTION.**

9 (a) IN GENERAL.—Section 205(a) of the National
 10 Windstorm Impact Reduction Act of 2004 (42 U.S.C.
 11 15704(a)) is amended by striking “The Director”, and in-
 12 serting “Not later than 6 months after the date of the
 13 enactment of the National Windstorm Impact Reduction
 14 Reauthorization Act of 2008, the Director”.

15 (b) CONFORMING AMENDMENT.—Section 205(b)(2)
 16 of such Act (42 U.S.C. 15704(b)(2)) is amended by strik-
 17 ing “section 204(d)” and inserting “section 204(c)”.

18 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

19 Section 207 of the National Windstorm Impact Re-
 20 duction Act of 2004 (42 U.S.C. 15706) is amended to
 21 read as follows:

22 **“SEC. 207. AUTHORIZATION OF APPROPRIATIONS.**

23 “(a) IN GENERAL.—There are authorized to be ap-
 24 propriated \$30,000,000 for each of the fiscal years 2009

1 through 2013 to carry out this Act, of which not greater
2 than—

3 “(1) \$5,000,000 shall be allocated for the Na-
4 tional Institute of Standards and Technology;

5 “(2) \$9,400,000 shall be allocated for the Na-
6 tional Science Foundation;

7 “(3) \$2,200,000 shall be allocated for the Na-
8 tional Oceanic and Atmospheric Administration;

9 “(4) \$9,400,000 shall be allocated for the Fed-
10 eral Emergency Management Agency;

11 “(5) \$1,333,333 shall be allocated for the De-
12 partment of Transportation;

13 “(6) \$1,333,333 shall be allocated for the Na-
14 tional Aeronautics and Space Administration; and

15 “(7) \$1,333,333 shall be allocated for the
16 United States Army Corps of Engineers.

17 “(b) AUTHORIZATION FOR PROGRAM PLANNING,
18 MANAGEMENT, AND COORDINATION.—

19 “(1) LEAD AGENCY.—From the amounts appro-
20 priated for the National Institute of Standards and
21 Technology pursuant to subsection (a)(1)—

22 “(A) up to \$1,000,000 may be allocated
23 for carrying out the lead agency planning, man-
24 agement, and coordination functions assigned to

1 the National Institute of Standards and Tech-
2 nology under section 204(d); and

3 “(B) not greater than 8 percent of such
4 amounts may be allocated for managing the
5 National Institute of Standards and Technology
6 assigned research and development responsibil-
7 ities.

8 “(2) OTHER PROGRAM AGENCIES.—From the
9 amounts appropriated to each of the Program agen-
10 cies under paragraphs (2) through (7) of subsection
11 (a), not greater than 8 percent may be allocated to
12 each such agency for carrying out planning, manage-
13 ment, and coordination functions assigned to such
14 agency under this Act, including participation in the
15 Interagency Working Group.

16 “(c) REMAINDER AUTHORIZED FOR PROGRAM AC-
17 TIVITIES.—Any amounts appropriated pursuant to sub-
18 section (a) that are not allocated under subsection (b)
19 shall be allocated to Program activities carried out in ac-
20 cordance with the objectives of the Program, including—

21 “(1) data collection and analysis;

22 “(2) risk assessment;

23 “(3) outreach;

24 “(4) technology transfer; and

1 “(5) research and development.”.

○