

115TH CONGRESS
2D SESSION

H. R. 7270

To amend the Omnibus Public Land Management Act of 2009 to clarify the authority of the Administrator of the National Oceanic and Atmospheric Administration with respect to post-storm assessments, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 12, 2018

Mr. WEBER of Texas (for himself and Mr. CRIST) introduced the following bill; which was referred to the Committee on Science, Space, and Technology, and in addition to the Committees on Natural Resources, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Omnibus Public Land Management Act of 2009 to clarify the authority of the Administrator of the National Oceanic and Atmospheric Administration 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 2018”.

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 (2), by striking the pe-
9 riod at the end and inserting the following: “,
10 except that the term shall not apply with re-
11 spect to a State or territory that has an oper-
12 ational wind and flood loss allocation system.”;

13 (B) in paragraph (6), by inserting “sus-
14 tained” before “winds”; and

15 (C) in paragraph (7), by striking “that
16 threaten any portion of a coastal State” and in-
17 serting “for which post-storm assessments are
18 conducted”;

19 (2) in subsection (b)—

20 (A) in paragraph (1)—

21 (i) in subparagraph (A)—

22 (I) by striking “540 days after
23 the date of the enactment of the Con-
24 sumer Option for an Alternative Sys-
25 tem to Allocate Losses Act of 2012”

1 and inserting “December 31, 2019”;

2 and

3 (II) by striking “by regulation”;

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

6 (iii) by adding at the end the fol-
7 lowing:

8 “(C) PUBLIC REVIEW.—The Administrator
9 shall seek input and suggestions from the public
10 before the Named Storm Event Model, or any
11 modification to the Named Storm Event Model,
12 takes effect.”; and

13 (B) in paragraph (2)—

14 (i) by redesignating subparagraphs
15 (B) and (C) as subparagraphs (D) and
16 (E), respectively;

17 (ii) by inserting after subparagraph
18 (A) the following:

19 “(B) DATA COLLECTION.—

20 “(i) IN GENERAL.—Upon identifica-
21 tion of a named storm under subparagraph
22 (A), and pursuant to the protocol estab-
23 lished under subsection (c), the Adminis-
24 trator may deploy sensors to enhance the
25 collection of covered data in the areas in

1 coastal States that the Administrator de-
2 termines are at the highest risk of experi-
3 encing geophysical events that would cause
4 indeterminate losses.

5 “(ii) RULE OF CONSTRUCTION.—If
6 the Administrator takes action under
7 clause (i), that action may not be con-
8 strued as indicating that a post-storm as-
9 sessment will be developed for any coastal
10 State in which that action is taken.

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

21 (iii) in subparagraph (D), as so redes-
22 ignated—

23 (I) by striking “identification of
24 a named storm under subparagraph
25 (A)” and inserting “confirmation of

1 indeterminate losses identified under
 2 subparagraph (C) with respect to a
 3 named storm”; and

4 (II) by striking “assessment for
 5 such named storm” and inserting “as-
 6 sessment for each coastal State that
 7 suffered such indeterminate losses as
 8 a result of the named storm”;

9 (iv) in subparagraph (E), as so redes-
 10 ignated—

11 (I) by striking “an identification
 12 of a named storm is made under sub-
 13 paragraph (A)” and inserting “any in-
 14 determinate losses are identified
 15 under subparagraph (C)”;

16 (II) by striking “for such storm
 17 under subparagraph (B)” and insert-
 18 ing “under subparagraph (D) for any
 19 coastal State that suffered such inde-
 20 terminate losses”;

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

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

24 “(i) IN GENERAL.—The Administrator
 25 may conduct a separate post-storm assess-

ment for each coastal State in which indeterminate losses are identified under subparagraph (C).

“(ii) **TIMELINE.**—If the Administrator conducts a separate post-storm assessment under clause (i), the Administrator shall complete the assessment based on the dates of actions that the Administrator takes under subparagraphs (C) and (D).”; and

(3) in subsection (c)—

(A) in paragraph (1), by striking “540 days after the date of the enactment of the Consumer Option for an Alternative System to Allocate Losses Act of 2012” and inserting “December 31, 2019”;

(B) in paragraph (2), by inserting “, in the discretion of the Administrator,” after “of sensors as may”; and

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

(b) **AMENDMENTS TO THE NATIONAL FLOOD INSURANCE ACT OF 1968.**—Section 1337 of the National Flood Insurance Act of 1968 (42 U.S.C. 4057) is amended—

(1) in subsection (a)—

1 (A) in paragraph (3), by striking the pe-
2 riod at the end and inserting the following: “,
3 except that the term shall not apply with re-
4 spect to a State or territory that has an oper-
5 ational wind and flood loss allocation system.”;
6 and

7 (B) in paragraph (5), by inserting “sus-
8 tained” after “maximum”;
9 (2) in subsection (b)—

10 (A) in paragraph (1), by striking “estab-
11 lish by rule” and inserting “publish for com-
12 ment in the Federal Register”; and

13 (B) in paragraph (2)(B), by inserting after
14 “Elevation Certificate” the following: “, or
15 other data or information used to determine a
16 property’s current risk of flood, as determined
17 by the Administrator,”;

18 (3) in subsection (c)(3)(A)(i), by striking “the
19 issuance of the rule establishing the COASTAL For-
20 mula” and inserting “publication of the COASTAL
21 Formula in the Federal Register as required by sub-
22 section (b)(1)”;

23 (4) in subsection (h)—

1 (A) by inserting “that issues a standard
2 flood insurance policy under the national flood
3 insurance program” after “company”; and

4 (B) by striking “or the COASTAL For-
5 mula” and inserting “, the COASTAL For-
6 mula, or any other loss allocation or post-storm
7 assessment arising under the laws or ordinances
8 of any State”;

9 (5) in subsection (i), by striking “after the date
10 on which the Administrator issues the rule estab-
11 lishing the COASTAL Formula under subsection
12 (b)” and inserting “60 days after publication of the
13 COASTAL Formula in the Federal Register as re-
14 quired by subsection (b)(1)”; and

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

16 “(k) RULE OF CONSTRUCTION.—Nothing in this sec-
17 tion shall be construed to create a cause of action under
18 this Act.”.

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