

Calendar No. 637

115TH CONGRESS
2D SESSION**S. 2242****[Report No. 115–347]**

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 SENATE OF THE UNITED STATES

DECEMBER 18, 2017

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

NOVEMBER 13, 2018

Reported by Mr. THUNE, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “COASTAL Implemen-
3 tation Act of 2017”.

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

6 (a) AMENDMENTS TO THE OMNIBUS PUBLIC LAND
7 MANAGEMENT ACT OF 2009.—Section 12312 of the Om-
8 nibus Public Land Management Act of 2009 (33 U.S.C.
9 3611) is amended—

10 (1) in subsection (a)—

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

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

17 (2) in subsection (b)—

18 (A) in paragraph (1)—

19 (i) in subparagraph (A)—

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

25 (II) by striking “by regulation”;

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

3 (iii) by adding at the end the fol-
4 lowing:

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

10 (B) in paragraph (2)—

11 (i) by redesignating subparagraphs
12 (B) and (C) as subparagraphs (D) and
13 (E), respectively;

14 (ii) by inserting after subparagraph
15 (A) the following:

16 “(B) DATA COLLECTION.—

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

encing geophysical events that would cause
indeterminate losses.

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

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

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

(I) by striking “identification of
a named storm under subparagraph
(A)” and inserting “confirmation of
indeterminate losses identified under

1 subparagraph (C) with respect to a
2 named storm”; and

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

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

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

15 (H) by striking “for such storm
16 under subparagraph (B)” and insert-
17 ing “; under subparagraph (D), for
18 any coastal State that suffered such
19 indeterminate losses”; and

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

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

23 “(i) IN GENERAL.—The Administrator
24 may conduct a separate post-storm assess-
25 ment for each coastal State in which inde-

1 terminate losses are identified under sub-
 2 paragraph (C).

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

10 ~~(3)~~ in subsection (c)—

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

16 (B) in paragraph (2), by inserting “, in the
 17 discretion of the Administrator,” after “of sen-
 18 sors as may”; and

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

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

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “COASTAL Implementa-*
 3 *tion Act of 2018”.*

4 **SEC. 2. NAMED STORM EVENT MODEL AND POST-STORM AS-**
 5 **SESSMENTS.**

6 (a) *AMENDMENTS TO THE OMNIBUS PUBLIC LAND*
 7 *MANAGEMENT ACT OF 2009.*—Section 12312 of the *Omnib-*
 8 *us Public Land Management Act of 2009 (33 U.S.C. 3611)*
 9 *is amended—*

10 (1) *in subsection (a)—*

11 (A) *in paragraph (2), by striking the period*
 12 *at the end and inserting the following: “, except*
 13 *that the term shall not apply with respect to a*
 14 *State or territory that has an operational wind*
 15 *and flood loss allocation system.”;*

16 (B) *in paragraph (6), by inserting “sus-*
 17 *tained” before “winds”; and*

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

22 (2) *in subsection (b)—*

23 (A) *in paragraph (1)—*

24 (i) *in subparagraph (A)—*

25 (I) *by striking “540 days after the*
 26 *date of the enactment of the Consumer*

1 *Option for an Alternative System to*
 2 *Allocate Losses Act of 2012” and in-*
 3 *serting “December 31, 2019”; and*

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

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

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

14 *(B) in paragraph (2)—*

15 *(i) by redesignating subparagraphs (B)*
 16 *and (C) as subparagraphs (D) and (E), re-*
 17 *spectively;*

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

20 *“(B) DATA COLLECTION.—*

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

1 *collection of covered data in the areas in*
 2 *coastal States that the Administrator deter-*
 3 *mines are at the highest risk of experiencing*
 4 *geophysical events that would cause indeter-*
 5 *minate losses.*

6 “(ii) *RULE OF CONSTRUCTION.—If the*
 7 *Administrator takes action under clause (i),*
 8 *that action may not be construed as indi-*
 9 *cating that a post-storm assessment will be*
 10 *developed for any coastal State in which*
 11 *that action is taken.*

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

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

24 *(I) by striking “identification of a*
 25 *named storm under subparagraph (A)”*

1 *and inserting “confirmation of indeter-*
 2 *minate losses identified under subpara-*
 3 *graph (C) with respect to a named*
 4 *storm”; and*

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

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

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

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

22 *(v) by adding at the end the following:*

23 *“(F) SEPARATE POST-STORM ASSESSMENTS*
 24 *FOR A SINGLE NAMED STORM.—*

1 “(i) *IN GENERAL.*—*The Administrator*
 2 *may conduct a separate post-storm assess-*
 3 *ment for each coastal State in which inde-*
 4 *terminate losses are identified under sub-*
 5 *paragraph (C).*

6 “(ii) *TIMELINE.*—*If the Administrator*
 7 *conducts a separate post-storm assessment*
 8 *under clause (i), the Administrator shall*
 9 *complete the assessment based on the dates*
 10 *of actions that the Administrator takes*
 11 *under subparagraphs (C) and (D).”; and*
 12 *(3) in subsection (c)—*

13 *(A) in paragraph (1), by striking “540 days*
 14 *after the date of the enactment of the Consumer*
 15 *Option for an Alternative System to Allocate*
 16 *Losses Act of 2012” and inserting “December 31,*
 17 *2019”;*

18 *(B) in paragraph (2), by inserting “, in the*
 19 *discretion of the Administrator,” after “of sen-*
 20 *sors as may”;* and

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

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

1 (1) *in subsection (a)—*

2 (A) *in paragraph (3), by striking the period*
 3 *at the end and inserting the following: “, except*
 4 *that the term shall not apply with respect to a*
 5 *State or territory that has an operational wind*
 6 *and flood loss allocation system.”; and*

7 (B) *in paragraph (5), by inserting “sus-*
 8 *tained” after “maximum”; and*

9 (2) *in subsection (h)—*

10 (A) *by inserting “that issues a standard*
 11 *flood insurance policy under the national flood*
 12 *insurance program” after “company”; and*

13 (B) *by striking “or the COASTAL For-*
 14 *mula” and inserting “, the COASTAL Formula,*
 15 *or any other loss allocation or post-storm assess-*
 16 *ment arising under the laws or ordinances of*
 17 *any State”.*

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