

PUBLIC LAW 108-360—OCT. 25, 2004

NATIONAL EARTHQUAKE HAZARDS
REDUCTION PROGRAM REAUTHORIZATION

Public Law 108–360
108th Congress

An Act

Oct. 25, 2004
[H.R. 2608]

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,

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—EARTHQUAKE HAZARD REDUCTION

- Sec. 101. Short title.
- Sec. 102. Definitions.
- Sec. 103. National earthquake hazards reduction program.
- Sec. 104. Authorization of appropriations.

TITLE II—WINDSTORM IMPACT REDUCTION

- Sec. 201. Short title.
- Sec. 202. Findings.
- Sec. 203. Definitions.
- Sec. 204. National windstorm impact reduction program.
- Sec. 205. National advisory committee on windstorm impact reduction.
- Sec. 206. Savings clause.
- Sec. 207. Authorization of appropriations.
- Sec. 208. Biennial report.
- Sec. 209. Coordination.

TITLE III—COMMERCIAL SPACE TRANSPORTATION

- Sec. 301. Authorization of appropriations.

**TITLE I—EARTHQUAKE HAZARD
REDUCTION**

National
Earthquake
Hazards
Reduction
Program
Reauthorization
Act of 2004.
42 USC 7701
note.

42 USC 7703.

SEC. 101. SHORT TITLE.

This title may be cited as the “National Earthquake Hazards Reduction Program Reauthorization Act of 2004”.

SEC. 102. DEFINITIONS.

Section 4 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.) is amended by adding at the end the following new paragraphs:

“(8) The term ‘Interagency Coordinating Committee’ means the Interagency Coordinating Committee on Earthquake Hazards Reduction established under section 5(a).

“(9) The term ‘Advisory Committee’ means the Advisory Committee established under section 5(a)(5).”.

SEC. 103. NATIONAL EARTHQUAKE HAZARDS REDUCTION PROGRAM.

Section 5 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704(b)) is amended—

(1) by amending subsection (a) to read as follows:

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—There is established the National Earthquake Hazards Reduction Program.

“(2) PROGRAM ACTIVITIES.—The activities of the Program shall be designed to—

“(A) develop effective measures for earthquake hazards reduction;

“(B) promote the adoption of earthquake hazards reduction measures by Federal, State, and local governments, national standards and model code organizations, architects and engineers, building owners, and others with a role in planning and constructing buildings, structures, and lifelines through—

“(i) grants, contracts, cooperative agreements, and technical assistance;

“(ii) development of standards, guidelines, and voluntary consensus codes for earthquake hazards reduction for buildings, structures, and lifelines;

“(iii) development and maintenance of a repository of information, including technical data, on seismic risk and hazards reduction; and

“(C) improve the understanding of earthquakes and their effects on communities, buildings, structures, and lifelines, through interdisciplinary research that involves engineering, natural sciences, and social, economic, and decisions sciences; and

“(D) develop, operate, and maintain an Advanced National Seismic Research and Monitoring System established under section 13 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7707), the George E. Brown, Jr. Network for Earthquake Engineering Simulation established under section 14 of that Act (42 U.S.C. 7708), and the Global Seismographic Network.

“(3) INTERAGENCY COORDINATING COMMITTEE ON EARTHQUAKE HAZARDS REDUCTION.—

“(A) IN GENERAL.—There is established an Interagency Coordinating Committee on Earthquake Hazards Reduction chaired by the Director of the National Institute of Standards and Technology (referred to in this subsection as the ‘Director’).

Establishment.

“(B) MEMBERSHIP.—The committee shall be composed of the directors of—

“(i) the Federal Emergency Management Agency;

“(ii) the United States Geological Survey;

“(iii) the National Science Foundation;

“(iv) the Office of Science and Technology Policy; and

“(v) the Office of Management and Budget.

“(C) MEETINGS.—The Committee shall meet not less than 3 times a year at the call of the Director.

“(D) PURPOSE AND DUTIES.—The Interagency Coordinating Committee shall oversee the planning, management,

Deadline.

and coordination of the Program. The Interagency Coordinating Committee shall—

“(i) develop, not later than 6 months after the date of enactment of the National Earthquake Hazards Reduction Program Reauthorization Act of 2004 and update periodically—

“(I) a strategic plan that establishes goals and priorities for the Program activities described under subsection (a)(2); and

“(II) a detailed management plan to implement such strategic plan; and

“(ii) develop a coordinated interagency budget for the Program that will ensure appropriate balance among the Program activities described under subsection (a)(2), and, in accordance with the plans developed under clause (i), submit such budget to the Director of the Office of Management and Budget at the time designated by that office for agencies to submit annual budgets.

“(4) ANNUAL REPORT.—The Interagency Coordinating Committee shall transmit, at the time of the President’s budget request to Congress, an annual report to the Committee on Science and the Committee on Resources of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate. Such report shall include—

“(A) the Program budget for the current fiscal year for each agency that participates in the Program, and for each major goal established for the Program activities under subparagraph (3)(A);

“(B) the proposed Program budget for the next fiscal year for each agency that participates in the Program, and for each major goal established for the Program activities under subparagraph (3)(A);

“(C) a description of the activities and results of the Program during the previous year, including an assessment of the effectiveness of the Program in furthering the goals established in the strategic plan under (3)(A);

“(D) a description of the extent to which the Program has incorporated the recommendations of the Advisory Committee;

“(E) a description of activities, including budgets for the current fiscal year and proposed budgets for the next fiscal year, that are carried out by Program agencies and contribute to the Program, but are not included in the Program; and

“(F) a description of the activities, including budgets for the current fiscal year and proposed budgets for the following fiscal year, related to the grant program carried out under subsection (b)(2)(A)(i).

“(5) ADVISORY COMMITTEE.—

Establishment.

“(A) IN GENERAL.—The Director shall establish an Advisory Committee on Earthquake Hazards Reduction of at least 11 members, none of whom may be an employee (as defined in subparagraphs (A) through (F) of section 7342(a)(1) of title 5, United States Code, including representatives of research and academic institutions, industry standards development organizations, State and local

government, and financial communities who are qualified to provide advice on earthquake hazards reduction and represent all related scientific, architectural, and engineering disciplines. The recommendations of the Advisory Committee shall be considered by Federal agencies in implementing the Program.

“(B) ASSESSMENT.—The Advisory Committee shall assess—

“(i) trends and developments in the science and engineering of earthquake hazards reduction;

“(ii) effectiveness of the Program in carrying out the activities under (a)(2);

“(iii) the need to revise the Program; and

“(iv) the management, coordination, implementation, and activities of the Program.

“(C) REPORT.—Not later than 1 year after the date of enactment of the National Earthquake Hazards Reduction Program Reauthorization Act of 2004 and at least once every 2 years thereafter, the Advisory Committee shall report to the Director on its findings of the assessment carried out under subparagraph (B) and its recommendations for ways to improve the Program. In developing recommendations, the Committee shall consider the recommendations of the United States Geological Survey Scientific Earthquake Studies Advisory Committee.

“(D) FEDERAL ADVISORY COMMITTEE ACT APPLICATION.—Section 14 of the Federal Advisory Committee Act (5 App. U.S.C. 14) shall not apply to the Advisory Committee.”;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking “Federal Emergency Management Agency” and all that follows through “of the Agency” and inserting “National Institute of Standards and Technology shall have the primary responsibility for planning and coordinating the Program. In carrying out this paragraph, the Director of the Institute”;

(ii) by striking subparagraphs (B) and (C) and redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively;

(iii) by inserting after subparagraph (A) the following:

“(B) support the development of performance-based seismic engineering tools, and work with appropriate groups to promote the commercial application of such tools, through earthquake-related building codes, standards, and construction practices;”;

(iv) by striking “The principal official carrying out the responsibilities described in this paragraph shall be at a level no lower than that of Associate Director.”; and

(v) in subparagraph (D), as redesignated by clause (ii), by striking “National Science Foundation, the National Institutes of Standards and Technology” and inserting “Federal Emergency Management Agency, the National Science Foundation”;

(B) by striking so much of paragraph (2) as precedes subparagraph (B) and inserting the following:

“(2) DEPARTMENT OF HOMELAND SECURITY; FEDERAL EMERGENCY MANAGEMENT AGENCY.—

“(A) PROGRAM RESPONSIBILITIES.—The Under Secretary of Homeland Security for Emergency Preparedness and Response (the Director of the Federal Emergency Management Agency)—

“(i) shall work closely with national standards and model building code organizations, in conjunction with the National Institute of Standards and Technology, to promote the implementation of research results;

“(ii) shall promote better building practices within the building design and construction industry including architects, engineers, contractors, builders, and inspectors;

“(iii) shall operate a program of grants and assistance to enable States to develop mitigation, preparedness, and response plans, prepare inventories and conduct seismic safety inspections of critical structures and lifelines, update building and zoning codes and ordinances to enhance seismic safety, increase earthquake awareness and education, and encourage the development of multi-State groups for such purposes;

“(iv) shall support the implementation of a comprehensive earthquake education and public awareness program, including development of materials and their wide dissemination to all appropriate audiences and support public access to locality-specific information that may assist the public in preparing for, mitigating against, responding to and recovering from earthquakes and related disasters;

“(v) shall assist the National Institute of Standards and Technology, other Federal agencies, and private sector groups, in the preparation, maintenance, and wide dissemination of seismic resistant design guidance and related information on building codes, standards, and practices for new and existing buildings, structures, and lifelines, and aid in the development of performance-based design guidelines and methodologies supporting model codes for buildings, structures, and lifelines that are cost effective and affordable;

“(vi) shall develop, coordinate, and execute the National Response Plan when required following an earthquake, and support the development of specific State and local plans for each high risk area to ensure the availability of adequate emergency medical resources, search and rescue personnel and equipment, and emergency broadcast capability;

“(vii) shall develop approaches to combine measures for earthquake hazards reduction with measures for reduction of other natural and technological hazards including performance-based design approaches;

“(viii) shall provide preparedness, response, and mitigation recommendations to communities after an earthquake prediction has been made under paragraph (3)(D); and

“(ix) may enter into cooperative agreements or contracts with States and local jurisdictions and other Federal agencies to establish demonstration projects on earthquake hazard mitigation, to link earthquake research and mitigation efforts with emergency management programs, or to prepare educational materials for national distribution.”;

(C) in paragraph (3)—

(i) by inserting “and other activities” after “shall conduct research”;

(ii) in subparagraph (C), by striking “the Agency” and inserting “the Director of the Federal Emergency Management Agency and the Director of the National Institute of Standards and Technology”;

(iii) in subparagraph (D), by striking “the Director of the Agency” and inserting “the Director of the Federal Emergency Management Agency and the Director of the National Institute of Standards and Technology”;

(iv) in subparagraph (E), by striking “establish, using existing facilities, a Center for the International Exchange of Earthquake Information” and inserting “operate, using the National Earthquake Information Center, a forum for the international exchange of earthquake information”;

(v) in subparagraph (F), by striking “Network” and inserting “System”; and

(vi) by inserting after subparagraph (H) the following new subparagraphs:

“(I) work with other Program agencies to coordinate Program activities with similar earthquake hazards reduction efforts in other countries, to ensure that the Program benefits from relevant information and advances in those countries; and

“(J) maintain suitable seismic hazard maps in support of building codes for structures and lifelines, including additional maps needed for performance-based design approaches.”;

(D) in paragraph (4)—

(i) by redesignating subparagraphs (D), (E), and (F) as subparagraphs (E), (F), and (H), respectively;

(ii) by inserting after subparagraph (C) the following:

“(D) support research that improves the safety and performance of buildings, structures, and lifeline systems using large-scale experimental and computational facilities of the George E. Brown Jr. Network for Earthquake Engineering Simulation and other institutions engaged in research and the implementation of the National Earthquake Hazards Reduction Program;”;

(iii) in subparagraph (F) (as so redesignated), by striking “; and” and inserting a semicolon; and

(iv) by inserting after subparagraph (F) (as so redesignated) the following:

“(G) include to the maximum extent practicable diverse institutions, including Historically Black Colleges and Universities and those serving large proportions of Hispanics, Native Americans, Asian-Pacific Americans, and other underrepresented populations; and”;

(E) in paragraph (5), by striking “The National” and inserting “In addition to the lead agency responsibilities described under paragraph (1), the National”; and

(F) in paragraph (5)—

(i) by striking “and” after the semicolon in subparagraph (C);

(ii) by redesignating subparagraph (D) as subparagraph (E); and

(iii) by inserting after subparagraph (C) the following:

“(D) support the development and commercial application of cost effective and affordable performance-based seismic engineering by providing technical support for seismic engineering practices and related building code, standards, and practices development; and”;

(3) in subsection (c)(1), by striking “Agency” and inserting “Interagency Coordinating Committee”.

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 12 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706) is amended—

(1) by adding at the end of subsection (a) the following:

“(8) There are authorized to be appropriated to the Federal Emergency Management Agency for carrying out this title—

“(A) \$21,000,000 for fiscal year 2005,

“(B) \$21,630,000 for fiscal year 2006,

“(C) \$22,280,000 for fiscal year 2007,

“(D) \$22,950,000 for fiscal year 2008, and

“(E) \$23,640,000 for fiscal year 2009,

of which not less than 10 percent of available program funds actually appropriated shall be made available each such fiscal year for supporting the development of performance-based, cost-effective, and affordable design guidelines and methodologies in codes for buildings, structures, and lifelines.”;

(2) by inserting “(1)” before “There” in subsection (b);

(3) by striking “subsection” in the last sentence and inserting “paragraph”;

(4) by redesignating paragraphs (1) through (5) of subsection (b) as subparagraphs (A) through (E), respectively;

(5) by adding at the end of subsection (b) the following:

“(2) There are authorized to be appropriated to the United States Geological Survey for carrying out this title—

“(A) \$77,000,000 for fiscal year 2005, of which not less than \$30,000,000 shall be made available for completion of the Advanced National Seismic Research and Monitoring System established under section 13;

“(B) \$84,410,000 for fiscal year 2006, of which not less than \$36,000,000 shall be made available for completion of the Advanced National Seismic Research and Monitoring System established under section 13;

“(C) \$85,860,000 for fiscal year 2007, of which not less than \$36,000,000 shall be made available for completion of the Advanced National Seismic Research and Monitoring System established under section 13;

“(D) \$87,360,000 for fiscal year 2008, of which not less than \$36,000,000 shall be made available for completion of the Advanced National Seismic Research and Monitoring System established under section 13; and

“(E) \$88,900,000 for fiscal year 2009, of which not less than \$36,000,000 shall be made available for completion of the Advanced National Seismic Research and Monitoring System established under section 13.”;

(6) by inserting “(1)” before “To” in subsection (c);

(7) by adding at the end of subsection (c) the following:
“(2) There are authorized to be appropriated to the National Science Foundation for carrying out this title—
“(A) \$38,000,000 for fiscal year 2005;
“(B) \$39,140,000 for fiscal year 2006;
“(C) \$40,310,000 for fiscal year 2007;
“(D) \$41,520,000 for fiscal year 2008; and
“(E) \$42,770,000 for fiscal year 2009.”;
(8) by inserting “(1)” before “To” in subsection (d); and
(9) by adding at the end of subsection (d) the following:
“(2) There are authorized to be appropriated to the National Institute of Standards and Technology for carrying out this title—
“(A) \$10,000,000 for fiscal year 2005,
“(B) \$11,000,000 for fiscal year 2006,
“(C) \$12,100,000 for fiscal year 2007,
“(D) \$13,310,000 for fiscal year 2008, and
“(E) \$14,640,000 for fiscal year 2009,

of which \$2,000,000 shall be made available each such fiscal year for supporting the development of performance-based, cost-effective, and affordable codes for buildings, structures, and lifelines.”.

(b) SEPARATE AUTHORIZATION FOR THE ADVANCED NATIONAL SEISMIC RESEARCH AND MONITORING SYSTEM.—Section 13 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7707) is amended by striking subsection (c).

(c) SEPARATE AUTHORIZATION FOR THE NETWORK FOR EARTHQUAKE ENGINEERING SIMULATION.—Section 14(b) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7708(b)) is amended—

- (1) by striking “and” after the semicolon in paragraph (3);
- (2) by striking “2004.” in paragraph (4) and inserting “2004.”;
- (3) by adding at the end the following:
 - “(5) \$20,000,000 for fiscal year 2005, all of which shall be available for operations and maintenance;
 - “(6) \$20,400,000 for fiscal year 2006, all of which shall be available for operations and maintenance;
 - “(7) \$20,870,000 for fiscal year 2007, all of which shall be available for operations and maintenance;
 - “(8) \$21,390,000 for fiscal year 2008, all of which shall be available for operations and maintenance; and
 - “(9) \$21,930,000 for fiscal year 2009, all of which shall be available for operations and maintenance.”.

TITLE II—WINDSTORM IMPACT REDUCTION

SEC. 201. SHORT TITLE.

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

SEC. 202. 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.

National
Windstorm
Impact Reduction
Act of 2004.

42 USC 15701
note.

42 USC 15701.

(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 inter-agency coordination, and input from individuals, academia, the private sector, and other interested non-Federal entities.

42 USC 15702.

SEC. 203. DEFINITIONS.

In this title:

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

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

(3) **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.

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

42 USC 15703.

SEC. 204. NATIONAL WINDSTORM IMPACT REDUCTION PROGRAM.

(a) **ESTABLISHMENT.**—There is established the National Windstorm Impact Reduction Program.

(b) **OBJECTIVE.**—The objective of the Program is the achievement of major measurable reductions in losses of life and property from windstorms. The objective is to be achieved through a coordinated Federal effort, in cooperation with other levels of government, academia, and the private sector, aimed at improving the understanding of windstorms and their impacts and developing and encouraging implementation of cost-effective mitigation measures to reduce those impacts.

Deadline.
Establishment.

(c) **INTERAGENCY WORKING GROUP.**—Not later than 90 days after the date of enactment of this Act, the Director shall establish an Interagency Working Group consisting of representatives of the National Science Foundation, the National Oceanic and

Atmospheric Administration, the National Institute of Standards and Technology, the Federal Emergency Management Agency, and other Federal agencies as appropriate. The Director shall designate an agency to serve as Chair of the Working Group and be responsible for the planning, management, and coordination of the Program, including budget coordination. Specific agency roles and responsibilities under the Program shall be defined in the implementation plan required under subsection (e). General agency responsibilities shall include the following:

(1) The National Institute of Standards and Technology shall support research and development to improve building codes and standards and practices for design and construction of buildings, structures, and lifelines.

(2) The National Science Foundation shall support research in engineering and the atmospheric sciences to improve the understanding of the behavior of windstorms and their impact on buildings, structures, and lifelines.

(3) 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.

(4) The Federal Emergency Management Agency shall support the development of risk assessment tools and effective mitigation techniques, windstorm-related data collection and analysis, public outreach, information dissemination, and implementation of mitigation measures consistent with the Agency's all-hazards approach.

(d) 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.

Deadline.

(e) **IMPLEMENTATION PLAN.**—Not later than 1 year after date of enactment of this title, the Interagency Working Group shall develop and transmit to the Congress an implementation plan for achieving the objectives of the Program. The plan shall include—

(1) an assessment of past and current public and private efforts to reduce windstorm impacts, including a comprehensive review and analysis of windstorm mitigation activities supported by the Federal Government;

(2) a description of plans for technology transfer and coordination with natural hazard mitigation activities supported by the Federal Government;

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

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

(5) a description of plans for cooperation and coordination with interested public and private sector entities in each program component area.

(f) **BIENNIAL REPORT.**—The Interagency Working Group shall, on a biennial basis, and not later than 180 days after the end of the preceding 2 fiscal years, transmit a report to the Congress describing the status of the windstorm impact reduction program, including progress achieved during the preceding two fiscal years. Each such report shall include any recommendations for legislative and other action the Interagency Working Group considers necessary and appropriate. In developing the biennial report, the Interagency Working Group shall consider the recommendations of the Advisory Committee established under section 205.

42 USC 15704.

SEC. 205. NATIONAL ADVISORY COMMITTEE ON WINDSTORM IMPACT REDUCTION.

(a) **ESTABLISHMENT.**—The Director shall establish a National Advisory Committee on Windstorm Impact Reduction, consisting of not less than 11 and not more than 15 non-Federal members representing a broad cross section of interests such as the research, technology transfer, design and construction, and financial communities; materials and systems suppliers; State, county, and local governments; the insurance industry; and other representatives as designated by the Director.

(b) **ASSESSMENT.**—The Advisory Committee shall assess—

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

(2) the effectiveness of the Program in carrying out the activities under section 204(d);

(3) the need to revise the Program; and

(4) the management, coordination, implementation, and activities of the Program.

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

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

SEC. 206. SAVINGS CLAUSE.

42 USC 15705.

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. AUTHORIZATION OF APPROPRIATIONS.

42 USC 15706.

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

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

(2) \$9,400,000 for fiscal year 2007; and

(3) \$9,400,000 for fiscal year 2008.

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

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

(2) \$9,400,000 for fiscal year 2007; and

(3) \$9,400,000 for fiscal year 2008.

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

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

(3) \$4,000,000 for fiscal year 2008.

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

(2) \$2,200,000 for fiscal year 2007; and

(3) \$2,200,000 for fiscal year 2008.

SEC. 208. BIENNIAL REPORT.

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

42 USC 15707.

SEC. 209. 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.

TITLE III—COMMERCIAL SPACE TRANSPORTATION

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

Section 70119 of title 49, United States Code, is amended by striking paragraphs (1) and (2) and inserting the following:

- “(1) \$11,941,000 for fiscal year 2005;
- “(2) \$12,299,000 for fiscal year 2006;
- “(3) \$12,668,000 for fiscal year 2007;
- “(4) \$13,048,000 for fiscal year 2008; and
- “(5) \$13,440,000 for fiscal year 2009.”.

Approved October 25, 2004.

LEGISLATIVE HISTORY—H.R. 2608:

HOUSE REPORTS: No. 108–246, Pt. 1 (Comm. on Science).

SENATE REPORTS: No. 108–385 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD:

Vol. 149 (2003): Oct. 1, considered and passed House.

Vol. 150 (2004): Oct. 6, considered and passed Senate, amended.

Oct. 8, House concurred in Senate amendment.

