

National Windstorm Impact Reduction Act of 2004 (Engrossed as Agreed to or Passed by House)

108th CONGRESS

2d Session

H. R. 3980

AN ACT

To establish a National Windstorm Impact Reduction Program.

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To establish a National Windstorm Impact Reduction Program.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the `National Windstorm Impact Reduction Act of 2004'.

SEC. 2. 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.

(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 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.

(3) The term `windstorm' means any storm with a damaging or destructive wind

component, such as a hurricane, tropical storm, tornado, or thunderstorm.

SEC. 4. NATIONAL WINDSTORM IMPACT REDUCTION PROGRAM.

(a) Establishment- There is established the National Windstorm Impact Reduction Program (in this Act referred to as the `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.

(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 Act 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.

(e) Implementation Plan- Not later than 1 year after date of enactment of this Act, 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 5.

SEC. 5. 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 4(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. 6. SAVINGS CLAUSE.

Nothing in this Act 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 Act 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. 7. AUTHORIZATION OF APPROPRIATIONS.

(a) Federal Emergency Management Agency- There are authorized to be appropriated to the Federal Emergency Management Agency for carrying out this Act--

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

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

(b) National Science Foundation- From sums otherwise authorized to be appropriated, there are authorized to be appropriated to the National Science Foundation for carrying out this Act--

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

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

(c) National Institute of Standards and Technology- From sums otherwise authorized to be appropriated, there are authorized to be appropriated to the National Institute of Standards and Technology for carrying out this Act--

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

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

(d) National Oceanic and Atmospheric Administration- From sums otherwise authorized to be appropriated, there are authorized to be appropriated to the National Oceanic and Atmospheric Administration for carrying out this Act--

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

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

SEC. 8. 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'.

Passed the House of Representatives July 7, 2004.
