

108<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2711

To establish a National Windstorm Impact Reduction Program.

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IN THE SENATE OF THE UNITED STATES

JULY 21, 2004

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

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## A BILL

To establish a National Windstorm Impact Reduction Program.

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 Act of 2004”.

6       **SEC. 2. FINDINGS.**

7       The Congress finds the following:

8               (1) Hurricanes, tropical storms, tornadoes, and  
9       thunderstorms can cause significant loss of life, in-  
10       jury, destruction of property, and economic and so-

1 cial disruption. All States and regions are vulnerable  
2 to these hazards.

3 (2) The United States currently sustains sev-  
4 eral billion dollars in economic damages each year  
5 due to these windstorms. In recent decades, rapid  
6 development and population growth in high-risk  
7 areas has greatly increased overall vulnerability to  
8 windstorms.

9 (3) Improved windstorm impact reduction  
10 measures have the potential to reduce these losses  
11 through—

12 (A) cost-effective and affordable design  
13 and construction methods and practices;

14 (B) effective mitigation programs at the  
15 local, State, and national level;

16 (C) improved data collection and analysis  
17 and impact prediction methodologies;

18 (D) engineering research on improving new  
19 structures and retrofitting existing ones to bet-  
20 ter withstand windstorms, atmospheric-related  
21 research to better understand the behavior and  
22 impact of windstorms on the built environment,  
23 and subsequent application of those research re-  
24 sults; and

25 (E) public education and outreach.

1           (4) There is an appropriate role for the Federal  
2           Government in supporting windstorm impact reduc-  
3           tion. An effective Federal program in windstorm im-  
4           pact reduction will require interagency coordination,  
5           and input from individuals, academia, the private  
6           sector, and other interested non-Federal entities.

7 **SEC. 3. DEFINITIONS.**

8           In this Act:

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

12          (2) **PROGRAM.**—The term “Program” means  
13          the National Windstorm Impact Reduction Program  
14          established by section 4(a).

15          (3) **STATE.**—The term “State” means each of  
16          the States of the United States, the District of Co-  
17          lumbia, the Commonwealth of Puerto Rico, the  
18          United States Virgin Islands, Guam, American  
19          Samoa, the Commonwealth of the Northern Mariana  
20          Islands, and any other territory or possession of the  
21          United States.

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

1 **SEC. 4. NATIONAL WINDSTORM IMPACT REDUCTION PRO-**  
2 **GRAM.**

3 (a) ESTABLISHMENT.—There is established the Na-  
4 tional Windstorm Impact Reduction Program.

5 (b) OBJECTIVE.—The objective of the Program is the  
6 achievement of major measurable reductions in losses of  
7 life and property from windstorms. The objective is to be  
8 achieved through a coordinated Federal effort, in coopera-  
9 tion with other levels of government, academia, and the  
10 private sector, aimed at improving the understanding of  
11 windstorms and their impacts and developing and encour-  
12 aging implementation of cost-effective mitigation meas-  
13 ures to reduce those impacts.

14 (c) INTERAGENCY WORKING GROUP.—Not later than  
15 90 days after the date of enactment of this Act, the Direc-  
16 tor shall establish an Interagency Working Group con-  
17 sisting of representatives of the National Science Founda-  
18 tion, the National Oceanic and Atmospheric Administra-  
19 tion, the National Institute of Standards and Technology,  
20 the Federal Emergency Management Agency, and other  
21 Federal agencies as appropriate. The Director shall des-  
22 ignate an agency to serve as Chair of the Working Group  
23 and be responsible for the planning, management, and co-  
24 ordination of the Program, including budget coordination.  
25 Specific agency roles and responsibilities under the Pro-  
26 gram shall be defined in the implementation plan required

1 under subsection (e). General agency responsibilities shall  
2 include the following:

3 (1) The National Institute of Standards and  
4 Technology shall support research and development  
5 to improve building codes and standards and prac-  
6 tices for design and construction of buildings, struc-  
7 tures, and lifelines.

8 (2) The National Science Foundation shall sup-  
9 port research in engineering and the atmospheric  
10 sciences to improve the understanding of the behav-  
11 ior of windstorms and their impact on buildings,  
12 structures, and lifelines.

13 (3) The National Oceanic and Atmospheric Ad-  
14 ministration shall support atmospheric sciences re-  
15 search to improve the understanding of the behavior  
16 of windstorms and their impact on buildings, struc-  
17 tures, and lifelines.

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

25 (d) PROGRAM COMPONENTS.—

1           (1) IN GENERAL.—The Program shall consist  
2 of three primary mitigation components: improved  
3 understanding of windstorms, windstorm impact as-  
4 sessment, and windstorm impact reduction. The  
5 components shall be implemented through activities  
6 such as data collection and analysis, risk assess-  
7 ment, outreach, technology transfer, and research  
8 and development. To the extent practicable, research  
9 activities authorized under this Act shall be peer-re-  
10 viewed, and the components shall be designed to be  
11 complementary to, and avoid duplication of, other  
12 public and private hazard reduction efforts.

13           (2) UNDERSTANDING OF WINDSTORMS.—Activi-  
14 ties to enhance the understanding of windstorms  
15 shall include research to improve knowledge of and  
16 data collection on the impact of severe wind on  
17 buildings, structures, and infrastructure.

18           (3) WINDSTORM IMPACT ASSESSMENT.—Activi-  
19 ties to improve windstorm impact assessment shall  
20 include—

21           (A) development of mechanisms for col-  
22 lecting and inventorying information on the per-  
23 formance of buildings, structures, and infra-  
24 structure in windstorms and improved collection  
25 of pertinent information from sources, including

1 the design and construction industry, insurance  
2 companies, and building officials;

3 (B) research, development, and technology  
4 transfer to improve loss estimation and risk as-  
5 sessment systems; and

6 (C) research, development, and technology  
7 transfer to improve simulation and computa-  
8 tional modeling of windstorm impacts.

9 (4) WINDSTORM IMPACT REDUCTION.—Activi-  
10 ties to reduce windstorm impacts shall include—

11 (A) development of improved outreach and  
12 implementation mechanisms to translate exist-  
13 ing information and research findings into cost-  
14 effective and affordable practices for design and  
15 construction professionals, and State and local  
16 officials;

17 (B) development of cost-effective and af-  
18 fordable windstorm-resistant systems, struc-  
19 tures, and materials for use in new construction  
20 and retrofit of existing construction; and

21 (C) outreach and information dissemina-  
22 tion related to cost-effective and affordable con-  
23 struction techniques, loss estimation and risk  
24 assessment methodologies, and other pertinent  
25 information regarding windstorm phenomena to

1 Federal, State, and local officials, the construc-  
2 tion industry, and the general public.

3 (e) IMPLEMENTATION PLAN.—Not later than 1 year  
4 after date of enactment of this Act, the Interagency Work-  
5 ing Group shall develop and transmit to the Congress an  
6 implementation plan for achieving the objectives of the  
7 Program. The plan shall include—

8 (1) an assessment of past and current public  
9 and private efforts to reduce windstorm impacts, in-  
10 cluding a comprehensive review and analysis of  
11 windstorm mitigation activities supported by the  
12 Federal Government;

13 (2) a description of plans for technology trans-  
14 fer and coordination with natural hazard mitigation  
15 activities supported by the Federal Government;

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

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

21 (5) a description of plans for cooperation and  
22 coordination with interested public and private sec-  
23 tor entities in each program component area.

24 (f) BIENNIAL REPORT.—The Interagency Working  
25 Group shall, on a biennial basis, and not later than 180

1 days after the end of the preceding 2 fiscal years, transmit  
2 a report to the Congress describing the status of the wind-  
3 storm impact reduction program, including progress  
4 achieved during the preceding two fiscal years. Each such  
5 report shall include any recommendations for legislative  
6 and other action the Interagency Working Group con-  
7 siders necessary and appropriate. In developing the bien-  
8 nial report, the Interagency Working Group shall consider  
9 the recommendations of the Advisory Committee estab-  
10 lished under section 5.

11 **SEC. 5. NATIONAL ADVISORY COMMITTEE ON WINDSTORM**  
12 **IMPACT REDUCTION.**

13 (a) ESTABLISHMENT.—The Director shall establish a  
14 National Advisory Committee on Windstorm Impact Re-  
15 duction, consisting of not less than 11 and not more than  
16 15 non-Federal members representing a broad cross sec-  
17 tion of interests such as the research, technology transfer,  
18 design and construction, and financial communities; mate-  
19 rials and systems suppliers; State, county, and local gov-  
20 ernments; the insurance industry; and other representa-  
21 tives as designated by the Director.

22 (b) ASSESSMENT.—The Advisory Committee shall as-  
23 sess—

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

1           (2) the effectiveness of the Program in carrying  
2           out the activities under section 4(d);

3           (3) the need to revise the Program; and

4           (4) the management, coordination, implementa-  
5           tion, and activities of the Program.

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

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

13 **SEC. 6. SAVINGS CLAUSE.**

14          Nothing in this Act supersedes any provision of the  
15 National Manufactured Housing Construction and Safety  
16 Standards Act of 1974. No design, construction method,  
17 practice, technology, material, mitigation methodology, or  
18 hazard reduction measure of any kind developed under  
19 this Act shall be required for a home certified under sec-  
20 tion 616 of the National Manufactured Housing Construc-  
21 tion and Safety Standards Act of 1974 (42 U.S.C. 5415),  
22 pursuant to standards issued under such Act, without  
23 being subject to the consensus development process and  
24 rulemaking procedures of that Act.

1 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) FEDERAL EMERGENCY MANAGEMENT AGEN-  
3 CY.—There are authorized to be appropriated to the Fed-  
4 eral Emergency Management Agency for carrying out this  
5 Act—

6 (1) \$8,700,000 for fiscal year 2006;

7 (2) \$9,400,000 for fiscal year 2007; and

8 (3) \$9,400,000 for fiscal year 2008.

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

12 (1) \$8,700,000 for fiscal year 2006;

13 (2) \$9,400,000 for fiscal year 2007; and

14 (3) \$9,400,000 for fiscal year 2008.

15 (c) NATIONAL INSTITUTE OF STANDARDS AND  
16 TECHNOLOGY.—There are authorized to be appropriated  
17 to the National Institute of Standards and Technology for  
18 carrying out this Act—

19 (1) \$3,000,000 for fiscal year 2006;

20 (2) \$4,000,000 for fiscal year 2007; and

21 (3) \$4,000,000 for fiscal year 2008.

22 (d) NATIONAL OCEANIC AND ATMOSPHERIC ADMIN-  
23 ISTRATION.—There are authorized to be appropriated to  
24 the National Oceanic and Atmospheric Administration for  
25 carrying out this Act—

26 (1) \$2,100,000 for fiscal year 2006;

1           (2) \$2,200,000 for fiscal year 2007; and

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

3 **SEC. 8. BIENNIAL REPORT.**

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

9 **SEC. 9. COORDINATION.**

10          The Secretary of Commerce, the Director of the Na-  
11 tional Institute of Standards and Technology, the Director  
12 of the Office of Science and Technology Policy and the  
13 heads of other Federal departments and agencies carrying  
14 out activities under this Act and the statutes amended by  
15 this Act shall work together to ensure that research, tech-  
16 nologies, and response techniques are shared among the  
17 programs authorized in this Act in order to coordinate the  
18 Nation’s efforts to reduce vulnerability to the hazards de-  
19 scribed in this Act.

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