

In the Senate of the United States,

October 6, 2004.

Resolved, That the bill from the House of Representatives (H.R. 2608) entitled “An Act to reauthorize the National Earthquake Hazards Reduction Program, and for other purposes.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 **SECTION 1. TABLE OF CONTENTS.**

2 *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.

3 ***TITLE I—EARTHQUAKE HAZARD***
 4 ***REDUCTION***

5 **SEC. 101. SHORT TITLE.**

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

8 **SEC. 102. DEFINITIONS.**

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

12 *“(8) The term ‘Interagency Coordinating Com-*
 13 *mittee’ means the Interagency Coordinating Com-*
 14 *mittee on Earthquake Hazards Reduction established*
 15 *under section 5(a).*

1 “(9) *The term ‘Advisory Committee’ means the*
 2 *Advisory Committee established under section*
 3 *5(a)(5).’.*”.

4 **SEC. 103. NATIONAL EARTHQUAKE HAZARDS REDUCTION**
 5 **PROGRAM.**

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

8 (1) *by amending subsection (a) to read as fol-*
 9 *lows:*

10 “(a) *ESTABLISHMENT.—*

11 “(1) *IN GENERAL.—There is established the Na-*
 12 *tional Earthquake Hazards Reduction Program.*

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

15 “(A) *develop effective measures for earth-*
 16 *quake hazards reduction;*

17 “(B) *promote the adoption of earthquake*
 18 *hazards reduction measures by Federal, State,*
 19 *and local governments, national standards and*
 20 *model code organizations, architects and engi-*
 21 *neers, building owners, and others with a role in*
 22 *planning and constructing buildings, structures,*
 23 *and lifelines through—*

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

1 “(ii) development of standards, guide-
 2 lines, and voluntary consensus codes for
 3 earthquake hazards reduction for buildings,
 4 structures, and lifelines;

5 “(iii) development and maintenance of
 6 a repository of information, including tech-
 7 nical data, on seismic risk and hazards re-
 8 duction; and

9 “(C) improve the understanding of earth-
 10 quakes and their effects on communities, build-
 11 ings, structures, and lifelines, through inter-
 12 disciplinary research that involves engineering,
 13 natural sciences, and social, economic, and deci-
 14 sions sciences; and

15 “(D) develop, operate, and maintain an Ad-
 16 vanced National Seismic Research and Moni-
 17 toring System established under section 13 of the
 18 Earthquake Hazards Reduction Act of 1977 (42
 19 U.S.C. 7707), the George E. Brown, Jr. Network
 20 for Earthquake Engineering Simulation estab-
 21 lished under section 14 of that Act (42 U.S.C.
 22 7708), and the Global Seismographic Network.

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

1 “(A) *IN GENERAL.*—*There is established an*
 2 *Interagency Coordinating Committee on Earth-*
 3 *quake Hazards Reduction chaired by the Direc-*
 4 *tor of the National Institute of Standards and*
 5 *Technology (referred to in this subsection as the*
 6 *‘Director’).*

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

9 “(i) *the Federal Emergency Manage-*
 10 *ment Agency;*

11 “(ii) *the United States Geological Sur-*
 12 *vey;*

13 “(iii) *the National Science Founda-*
 14 *tion;*

15 “(iv) *the Office of Science and Tech-*
 16 *nology Policy; and*

17 “(v) *the Office of Management and*
 18 *Budget.*

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

22 “(D) *PURPOSE AND DUTIES.*—*The Inter-*
 23 *agency Coordinating Committee shall oversee the*
 24 *planning, management, and coordination of the*

1 *Program. The Interagency Coordinating Com-*
2 *mittee shall—*

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

8 “(I) a strategic plan that estab-
9 lishes goals and priorities for the Pro-
10 gram activities described under sub-
11 section (a)(2); and

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

14 “(ii) develop a coordinated interagency
15 budget for the Program that will ensure ap-
16 propriate balance among the Program ac-
17 tivities described under subsection (a)(2),
18 and, in accordance with the plans developed
19 under clause (i), submit such budget to the
20 Director of the Office of Management and
21 Budget at the time designated by that office
22 for agencies to submit annual budgets.

23 “(4) ANNUAL REPORT.—The Interagency Coordi-
24 nating Committee shall transmit, at the time of the
25 President’s budget request to Congress, an annual re-

1 *port to the Committee on Science and the Committee*
2 *on Resources of the House of Representatives, and the*
3 *Committee on Commerce, Science, and Transpor-*
4 *tation of the Senate. Such report shall include—*

5 *“(A) the Program budget for the current fis-*
6 *cal year for each agency that participates in the*
7 *Program, and for each major goal established for*
8 *the Program activities under subparagraph*
9 *(3)(A);*

10 *“(B) the proposed Program budget for the*
11 *next fiscal year for each agency that participates*
12 *in the Program, and for each major goal estab-*
13 *lished for the Program activities under subpara-*
14 *graph (3)(A);*

15 *“(C) a description of the activities and re-*
16 *sults of the Program during the previous year,*
17 *including an assessment of the effectiveness of the*
18 *Program in furthering the goals established in*
19 *the strategic plan under (3)(A);*

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

23 *“(E) a description of activities, including*
24 *budgets for the current fiscal year and proposed*
25 *budgets for the next fiscal year, that are carried*

1 *out by Program agencies and contribute to the*
 2 *Program, but are not included in the Program;*
 3 *and*

4 *“(F) a description of the activities, includ-*
 5 *ing budgets for the current fiscal year and pro-*
 6 *posed budgets for the following fiscal year, re-*
 7 *lated to the grant program carried out under*
 8 *subsection (b)(2)(A)(i).*

9 *“(5) ADVISORY COMMITTEE.—*

10 *“(A) IN GENERAL.—The Director shall es-*
 11 *tablish an Advisory Committee on Earthquake*
 12 *Hazards Reduction of at least 11 members, none*
 13 *of whom may be an employee (as defined in sub-*
 14 *paragraphs (A) through (F) of section 7342(a)(1)*
 15 *of title 5, United States Code, including rep-*
 16 *resentatives of research and academic institu-*
 17 *tions, industry standards development organiza-*
 18 *tions, State and local government, and financial*
 19 *communities who are qualified to provide advice*
 20 *on earthquake hazards reduction and represent*
 21 *all related scientific, architectural, and engineer-*
 22 *ing disciplines. The recommendations of the Ad-*
 23 *visory Committee shall be considered by Federal*
 24 *agencies in implementing the Program.*

1 “(B) *ASSESSMENT.*—*The Advisory Com-*
2 *mittee shall assess—*

3 “(i) *trends and developments in the*
4 *science and engineering of earthquake haz-*
5 *ards reduction;*

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

8 “(iii) *the need to revise the Program;*
9 *and*

10 “(iv) *the management, coordination,*
11 *implementation, and activities of the Pro-*
12 *gram.*

13 “(C) *REPORT.*—*Not later than 1 year after*
14 *the date of enactment of the National Earthquake*
15 *Hazards Reduction Program Reauthorization*
16 *Act of 2004 and at least once every 2 years*
17 *thereafter, the Advisory Committee shall report*
18 *to the Director on its findings of the assessment*
19 *carried out under subparagraph (B) and its rec-*
20 *ommendations for ways to improve the Program.*
21 *In developing recommendations, the Committee*
22 *shall consider the recommendations of the United*
23 *States Geological Survey Scientific Earthquake*
24 *Studies Advisory Committee.*

1 “(D) *FEDERAL ADVISORY COMMITTEE ACT*
 2 *APPLICATION*.—Section 14 of the *Federal Advi-*
 3 *sory Committee Act* (5 App. U.S.C. 14) shall not
 4 *apply to the Advisory Committee.*”;

5 (2) in subsection (b)—

6 (A) in paragraph (1)—

7 (i) by striking “*Federal Emergency*
 8 *Management Agency*” and all that follows
 9 through “*of the Agency*” and inserting “*National Institute of Standards and Tech-*
 10 *nology shall have the primary responsibility*
 11 *for planning and coordinating the Program.*
 12 *In carrying out this paragraph, the Direc-*
 13 *tor of the Institute*”;

14 (ii) by striking subparagraphs (B) and
 15 (C) and redesignating subparagraphs (D)
 16 and (E) as subparagraphs (C) and (D), re-
 17 spectively;

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

20 “(B) support the development of perform-
 21 *ance-based seismic engineering tools, and work*
 22 *with appropriate groups to promote the commer-*
 23 *cial application of such tools, through earth-*
 24

1 *quake-related building codes, standards, and con-*
 2 *struction practices;”;*

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

7 *(v) in subparagraph (D), as redesign-*
 8 *ated by clause (ii), by striking “National*
 9 *Science Foundation, the National Institutes*
 10 *of Standards and Technology” and insert-*
 11 *ing “Federal Emergency Management Agen-*
 12 *cy, the National Science Foundation”;*

13 *(B) by striking so much of paragraph (2) as*
 14 *precedes subparagraph (B) and inserting the fol-*
 15 *lowing:*

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

18 “(A) *PROGRAM RESPONSIBILITIES.—The Under*
 19 *Secretary of Homeland Security for Emergency Pre-*
 20 *paredness and Response (the Director of the Federal*
 21 *Emergency Management Agency)—*

22 *“(i) shall work closely with national stand-*
 23 *ards and model building code organizations, in*
 24 *conjunction with the National Institute of*

1 *Standards and Technology, to promote the im-*
2 *plementation of research results;*

3 “(ii) shall promote better building practices
4 *within the building design and construction in-*
5 *dustry including architects, engineers, contrac-*
6 *tors, builders, and inspectors;*

7 “(iii) shall operate a program of grants and
8 *assistance to enable States to develop mitigation,*
9 *preparedness, and response plans, prepare inven-*
10 *tories and conduct seismic safety inspections of*
11 *critical structures and lifelines, update building*
12 *and zoning codes and ordinances to enhance seis-*
13 *mic safety, increase earthquake awareness and*
14 *education, and encourage the development of*
15 *multi-State groups for such purposes;*

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

1 “(v) shall assist the National Institute of
2 Standards and Technology, other Federal agen-
3 cies, and private sector groups, in the prepara-
4 tion, maintenance, and wide dissemination of
5 seismic resistant design guidance and related in-
6 formation on building codes, standards, and
7 practices for new and existing buildings, struc-
8 tures, and lifelines, and aid in the development
9 of performance-based design guidelines and
10 methodologies supporting model codes for build-
11 ings, structures, and lifelines that are cost effec-
12 tive and affordable;

13 “(vi) shall develop, coordinate, and execute
14 the National Response Plan when required fol-
15 lowing an earthquake, and support the develop-
16 ment of specific State and local plans for each
17 high risk area to ensure the availability of ade-
18 quate emergency medical resources, search and
19 rescue personnel and equipment, and emergency
20 broadcast capability;

21 “(vii) shall develop approaches to combine
22 measures for earthquake hazards reduction with
23 measures for reduction of other natural and tech-
24 nological hazards including performance-based
25 design approaches;

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

5 “(ix) may enter into cooperative agreements
6 or contracts with States and local jurisdictions
7 and other Federal agencies to establish dem-
8 onstration projects on earthquake hazard mitiga-
9 tion, to link earthquake research and mitigation
10 efforts with emergency management programs, or
11 to prepare educational materials for national
12 distribution.”;

13 (C) in paragraph (3)—

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

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

21 (iii) in subparagraph (D), by striking
22 “the Director of the Agency” and inserting
23 “the Director of the Federal Emergency
24 Management Agency and the Director of the

1 *National Institute of Standards and Tech-*
 2 *nology”;*

3 *(iv) in subparagraph (E), by striking*
 4 *“establish, using existing facilities, a Center*
 5 *for the International Exchange of Earth-*
 6 *quake Information” and inserting “operate,*
 7 *using the National Earthquake Information*
 8 *Center, a forum for the international ex-*
 9 *change of earthquake information”;*

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

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

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

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

24 *(D) in paragraph (4)—*

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

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

6 “(D) support research that improves the
7 safety and performance of buildings, structures,
8 and lifeline systems using large-scale experi-
9 mental and computational facilities of the
10 George E. Brown Jr. Network for Earthquake
11 Engineering Simulation and other institutions
12 engaged in research and the implementation of
13 the National Earthquake Hazards Reduction
14 Program;”;

15 (iii) in subparagraph (F) (as so redes-
16 ignated), by striking “; and” and inserting
17 a semicolon; and

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

20 “(G) include to the maximum extent prac-
21 ticable diverse institutions, including Histori-
22 cally Black Colleges and Universities and those
23 serving large proportions of Hispanics, Native
24 Americans, Asian-Pacific Americans, and other
25 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:

1 “(8) *There are authorized to be appropriated to*
 2 *the Federal Emergency Management Agency for car-*
 3 *rying out this title—*

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

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

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

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

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

9 *of which not less than 10 percent of available pro-*
 10 *gram funds actually appropriated shall be made*
 11 *available each such fiscal year for supporting the de-*
 12 *velopment of performance-based, cost-effective, and af-*
 13 *fordable design guidelines and methodologies in codes*
 14 *for buildings, structures, and lifelines.”;*

15 (2) *by inserting “(1)” before “There” in sub-*
 16 *section (b);*

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

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

22 (5) *by adding at the end of subsection (b) the fol-*
 23 *lowing:*

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

4 “(A) *\$77,000,000 for fiscal year 2005, of which*
5 *not less than \$30,000,000 shall be made available for*
6 *completion of the Advanced National Seismic Re-*
7 *search and Monitoring System established under sec-*
8 *tion 13;*

9 “(B) *\$84,410,000 for fiscal year 2006, of which*
10 *not less than \$36,000,000 shall be made available for*
11 *completion of the Advanced National Seismic Re-*
12 *search and Monitoring System established under sec-*
13 *tion 13;*

14 “(C) *\$85,860,000 for fiscal year 2007, of which*
15 *not less than \$36,000,000 shall be made available for*
16 *completion of the Advanced National Seismic Re-*
17 *search and Monitoring System established under sec-*
18 *tion 13;*

19 “(D) *\$87,360,000 for fiscal year 2008, of which*
20 *not less than \$36,000,000 shall be made available for*
21 *completion of the Advanced National Seismic Re-*
22 *search and Monitoring System established under sec-*
23 *tion 13; and*

24 “(E) *\$88,900,000 for fiscal year 2009, of which*
25 *not less than \$36,000,000 shall be made available for*

1 *completion of the Advanced National Seismic Re-*
 2 *search and Monitoring System established under sec-*
 3 *tion 13.”;*

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

6 *(7) by adding at the end of subsection (c) the fol-*
 7 *lowing:*

8 *“(2) There are authorized to be appropriated to the*
 9 *National Science Foundation for carrying out this title—*

10 *“(A) \$38,000,000 for fiscal year 2005;*

11 *“(B) \$39,140,000 for fiscal year 2006;*

12 *“(C) \$40,310,000 for fiscal year 2007;*

13 *“(D) \$41,520,000 for fiscal year 2008; and*

14 *“(E) \$42,770,000 for fiscal year 2009.”;*

15 *(8) by inserting “(1)” before “To” in subsection*
 16 *(d); and*

17 *(9) by adding at the end of subsection (d) the fol-*
 18 *lowing:*

19 *“(2) There are authorized to be appropriated to the*
 20 *National Institute of Standards and Technology for car-*
 21 *rying out this title—*

22 *“(A) \$10,000,000 for fiscal year 2005,*

23 *“(B) \$11,000,000 for fiscal year 2006,*

24 *“(C) \$12,100,000 for fiscal year 2007,*

25 *“(D) \$13,310,000 for fiscal year 2008, and*

1 “(E) \$14,640,000 for fiscal year 2009,
 2 of which \$2,000,000 shall be made available each such fiscal
 3 year for supporting the development of performance-based,
 4 cost-effective, and affordable codes for buildings, structures,
 5 and lifelines.”.

6 (b) SEPARATE AUTHORIZATION FOR THE ADVANCED
 7 NATIONAL SEISMIC RESEARCH AND MONITORING SYS-
 8 TEM.—Section 13 of the Earthquake Hazards Reduction
 9 Act of 1977 (42 U.S.C. 7707) is amended by striking sub-
 10 section (c).

11 (c) SEPARATE AUTHORIZATION FOR THE NETWORK
 12 FOR EARTHQUAKE ENGINEERING SIMULATION.—Section
 13 14(b) of the Earthquake Hazards Reduction Act of 1977 (42
 14 U.S.C. 7708(b)) is amended—

15 (1) by striking “and” after the semicolon in
 16 paragraph (3);

17 (2) by striking “2004.” in paragraph (4) and in-
 18 serting “2004;”;

19 (3) by adding at the end the following:

20 “(5) \$20,000,000 for fiscal year 2005, all of
 21 which shall be available for operations and mainte-
 22 nance;

23 “(6) \$20,400,000 for fiscal year 2006, all of
 24 which shall be available for operations and mainte-
 25 nance;

1 “(7) \$20,870,000 for fiscal year 2007, all of
2 which shall be available for operations and mainte-
3 nance;

4 “(8) \$21,390,000 for fiscal year 2008, all of
5 which shall be available for operations and mainte-
6 nance; and

7 “(9) \$21,930,000 for fiscal year 2009, all of
8 which shall be available for operations and mainte-
9 nance.”.

10 ***TITLE II—WINDSTORM IMPACT*** 11 ***REDUCTION***

12 ***SEC. 201. SHORT TITLE.***

13 *This Act may be cited as the “National Windstorm Im-*
14 *pact Reduction Act of 2004”.*

15 ***SEC. 202. FINDINGS.***

16 *The Congress finds the following:*

17 (1) *Hurricanes, tropical storms, tornadoes, and*
18 *thunderstorms can cause significant loss of life, in-*
19 *jury, destruction of property, and economic and social*
20 *disruption. All States and regions are vulnerable to*
21 *these hazards.*

22 (2) *The United States currently sustains several*
23 *billion dollars in economic damages each year due to*
24 *these windstorms. In recent decades, rapid develop-*

1 *ment and population growth in high-risk areas has*
 2 *greatly increased overall vulnerability to windstorms.*

3 *(3) Improved windstorm impact reduction meas-*
 4 *ures have the potential to reduce these losses*
 5 *through—*

6 *(A) cost-effective and affordable design and*
 7 *construction methods and practices;*

8 *(B) effective mitigation programs at the*
 9 *local, State, and national level;*

10 *(C) improved data collection and analysis*
 11 *and impact prediction methodologies;*

12 *(D) engineering research on improving new*
 13 *structures and retrofitting existing ones to better*
 14 *withstand windstorms, atmospheric-related re-*
 15 *search to better understand the behavior and im-*
 16 *pact of windstorms on the built environment,*
 17 *and subsequent application of those research re-*
 18 *sults; and*

19 *(E) public education and outreach.*

20 *(4) There is an appropriate role for the Federal*
 21 *Government in supporting windstorm impact reduc-*
 22 *tion. An effective Federal program in windstorm im-*
 23 *pact reduction will require interagency coordination,*
 24 *and input from individuals, academia, the private*
 25 *sector, and other interested non-Federal entities.*

1 **SEC. 203. DEFINITIONS.**

2 *In this title:*

3 (1) *DIRECTOR.*—*The term “Director” means the*
 4 *Director of the Office of Science and Technology Pol-*
 5 *icy.*

6 (2) *PROGRAM.*—*The term “Program” means the*
 7 *National Windstorm Impact Reduction Program es-*
 8 *tablished by section 204(a).*

9 (3) *STATE.*—*The term “State” means each of the*
 10 *States of the United States, the District of Columbia,*
 11 *the Commonwealth of Puerto Rico, the United States*
 12 *Virgin Islands, Guam, American Samoa, the Com-*
 13 *monwealth of the Northern Mariana Islands, and any*
 14 *other territory or possession of the United States.*

15 (4) *WINDSTORM.*—*The term “windstorm” means*
 16 *any storm with a damaging or destructive wind com-*
 17 *ponent, such as a hurricane, tropical storm, tornado,*
 18 *or thunderstorm.*

19 **SEC. 204. NATIONAL WINDSTORM IMPACT REDUCTION PRO-**
 20 **GRAM.**

21 (a) *ESTABLISHMENT.*—*There is established the Na-*
 22 *tional Windstorm Impact Reduction Program.*

23 (b) *OBJECTIVE.*—*The objective of the Program is the*
 24 *achievement of major measurable reductions in losses of life*
 25 *and property from windstorms. The objective is to be*
 26 *achieved through a coordinated Federal effort, in coopera-*

1 *tion with other levels of government, academia, and the pri-*
 2 *vate sector, aimed at improving the understanding of wind-*
 3 *storms and their impacts and developing and encouraging*
 4 *implementation of cost-effective mitigation measures to re-*
 5 *duce those impacts.*

6 *(c) INTERAGENCY WORKING GROUP.—Not later than*
 7 *90 days after the date of enactment of this Act, the Director*
 8 *shall establish an Interagency Working Group consisting of*
 9 *representatives of the National Science Foundation, the Na-*
 10 *tional Oceanic and Atmospheric Administration, the Na-*
 11 *tional Institute of Standards and Technology, the Federal*
 12 *Emergency Management Agency, and other Federal agen-*
 13 *cies as appropriate. The Director shall designate an agency*
 14 *to serve as Chair of the Working Group and be responsible*
 15 *for the planning, management, and coordination of the Pro-*
 16 *gram, including budget coordination. Specific agency roles*
 17 *and responsibilities under the Program shall be defined in*
 18 *the implementation plan required under subsection (e).*

19 *General agency responsibilities shall include the following:*

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

1 (2) *The National Science Foundation shall sup-*
 2 *port research in engineering and the atmospheric*
 3 *sciences to improve the understanding of the behavior*
 4 *of windstorms and their impact on buildings, struc-*
 5 *tures, and lifelines.*

6 (3) *The National Oceanic and Atmospheric Ad-*
 7 *ministration shall support atmospheric sciences re-*
 8 *search to improve the understanding of the behavior*
 9 *of windstorms and their impact on buildings, struc-*
 10 *tures, and lifelines.*

11 (4) *The Federal Emergency Management Agency*
 12 *shall support the development of risk assessment tools*
 13 *and effective mitigation techniques, windstorm-related*
 14 *data collection and analysis, public outreach, infor-*
 15 *mation dissemination, and implementation of mitiga-*
 16 *tion measures consistent with the Agency's all-hazards*
 17 *approach.*

18 (d) *PROGRAM COMPONENTS.—*

19 (1) *IN GENERAL.—The Program shall consist of*
 20 *three primary mitigation components: improved un-*
 21 *derstanding of windstorms, windstorm impact assess-*
 22 *ment, and windstorm impact reduction. The compo-*
 23 *nents shall be implemented through activities such as*
 24 *data collection and analysis, risk assessment, out-*
 25 *reach, technology transfer, and research and develop-*

1 *ment. To the extent practicable, research activities au-*
 2 *thorized under this title shall be peer-reviewed, and*
 3 *the components shall be designed to be complementary*
 4 *to, and avoid duplication of, other public and private*
 5 *hazard reduction efforts.*

6 (2) *UNDERSTANDING OF WINDSTORMS.—Activi-*
 7 *ties to enhance the understanding of windstorms shall*
 8 *include research to improve knowledge of and data*
 9 *collection on the impact of severe wind on buildings,*
 10 *structures, and infrastructure.*

11 (3) *WINDSTORM IMPACT ASSESSMENT.—Activi-*
 12 *ties to improve windstorm impact assessment shall*
 13 *include—*

14 (A) *development of mechanisms for col-*
 15 *lecting and inventorying information on the per-*
 16 *formance of buildings, structures, and infrastruc-*
 17 *ture in windstorms and improved collection of*
 18 *pertinent information from sources, including*
 19 *the design and construction industry, insurance*
 20 *companies, and building officials;*

21 (B) *research, development, and technology*
 22 *transfer to improve loss estimation and risk as-*
 23 *essment systems; and*

1 (C) research, development, and technology
 2 transfer to improve simulation and computa-
 3 tional modeling of windstorm impacts.

4 (4) WINDSTORM IMPACT REDUCTION.—Activities
 5 to reduce windstorm impacts shall include—

6 (A) development of improved outreach and
 7 implementation mechanisms to translate existing
 8 information and research findings into cost-effec-
 9 tive and affordable practices for design and con-
 10 struction professionals, and State and local offi-
 11 cials;

12 (B) development of cost-effective and afford-
 13 able windstorm-resistant systems, structures, and
 14 materials for use in new construction and ret-
 15 rofit of existing construction; and

16 (C) outreach and information dissemination
 17 related to cost-effective and affordable construc-
 18 tion techniques, loss estimation and risk assess-
 19 ment methodologies, and other pertinent infor-
 20 mation regarding windstorm phenomena to Fed-
 21 eral, State, and local officials, the construction
 22 industry, and the general public.

23 (e) IMPLEMENTATION PLAN.—Not later than 1 year
 24 after date of enactment of this title, the Interagency Work-
 25 ing Group shall develop and transmit to the Congress an

1 *implementation plan for achieving the objectives of the Pro-*
2 *gram. The plan shall include—*

3 *(1) an assessment of past and current public and*
4 *private efforts to reduce windstorm impacts, includ-*
5 *ing a comprehensive review and analysis of wind-*
6 *storm mitigation activities supported by the Federal*
7 *Government;*

8 *(2) a description of plans for technology transfer*
9 *and coordination with natural hazard mitigation ac-*
10 *tivities supported by the Federal Government;*

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

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

16 *(5) a description of plans for cooperation and co-*
17 *ordination with interested public and private sector*
18 *entities in each program component area.*

19 *(f) BIENNIAL REPORT.—The Interagency Working*
20 *Group shall, on a biennial basis, and not later than 180*
21 *days after the end of the preceding 2 fiscal years, transmit*
22 *a report to the Congress describing the status of the wind-*
23 *storm impact reduction program, including progress*
24 *achieved during the preceding two fiscal years. Each such*
25 *report shall include any recommendations for legislative*

1 *and other action the Interagency Working Group considers*
 2 *necessary and appropriate. In developing the biennial re-*
 3 *port, the Interagency Working Group shall consider the rec-*
 4 *ommendations of the Advisory Committee established under*
 5 *section 205.*

6 **SEC. 205. NATIONAL ADVISORY COMMITTEE ON WIND-**
 7 **STORM IMPACT REDUCTION.**

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

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

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

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

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

24 (4) *the management, coordination, implementa-*
 25 *tion, and activities of the Program.*

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

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

8 **SEC. 206. SAVINGS CLAUSE.**

9 Nothing in this title supersedes any provision of the
 10 National Manufactured Housing Construction and Safety
 11 Standards Act of 1974. No design, construction method,
 12 practice, technology, material, mitigation methodology, or
 13 hazard reduction measure of any kind developed under this
 14 title shall be required for a home certified under section 616
 15 of the National Manufactured Housing Construction and
 16 Safety Standards Act of 1974 (42 U.S.C. 5415), pursuant
 17 to standards issued under such Act, without being subject
 18 to the consensus development process and rulemaking proce-
 19 dures of that Act.

20 **SEC. 207. AUTHORIZATION OF APPROPRIATIONS.**

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

25 (1) \$8,700,000 for fiscal year 2006;

1 (2) \$9,400,000 for fiscal year 2007; and

2 (3) \$9,400,000 for fiscal year 2008.

3 (b) *NATIONAL SCIENCE FOUNDATION.*—*There are au-*
 4 *thorized to be appropriated to the National Science Foun-*
 5 *ation for carrying out this title—*

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 (c) *NATIONAL INSTITUTE OF STANDARDS AND TECH-*
 10 *NOLOGY.*—*There are authorized to be appropriated to the*
 11 *National Institute of Standards and Technology for car-*
 12 *rying out this title—*

13 (1) \$3,000,000 for fiscal year 2006;

14 (2) \$4,000,000 for fiscal year 2007; and

15 (3) \$4,000,000 for fiscal year 2008.

16 (d) *NATIONAL OCEANIC AND ATMOSPHERIC ADMINIS-*
 17 *TRATION.*—*There are authorized to be appropriated to the*
 18 *National Oceanic and Atmospheric Administration for car-*
 19 *rying out this title—*

20 (1) \$2,100,000 for fiscal year 2006;

21 (2) \$2,200,000 for fiscal year 2007; and

22 (3) \$2,200,000 for fiscal year 2008.

23 **SEC. 208. BIENNIAL REPORT.**

24 *Section 37(a) of the Science and Engineering Equal*
 25 *Opportunities Act (42 U.S.C. 1885d(a)) is amended by*

1 *striking “By January 30, 1982, and biennially thereafter”*
 2 *and inserting “By January 30 of each odd-numbered year”.*

3 **SEC. 209. COORDINATION.**

4 *The Secretary of Commerce, the Director of the Na-*
 5 *tional Institute of Standards and Technology, the Director*
 6 *of the Office of Science and Technology Policy and the heads*
 7 *of other Federal departments and agencies carrying out ac-*
 8 *tivities under this title and the statutes amended by this*
 9 *title shall work together to ensure that research, tech-*
 10 *nologies, and response techniques are shared among the pro-*
 11 *grams authorized in this title in order to coordinate the*
 12 *Nation’s efforts to reduce vulnerability to the hazards de-*
 13 *scribed in this title.*

14 **TITLE III—COMMERCIAL SPACE**
 15 **TRANSPORTATION**

16 **SEC. 301. AUTHORIZATION OF APPROPRIATIONS.**

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

- 20 *“(1) \$11,941,000 for fiscal year 2005;*
 21 *“(2) \$12,299,000 for fiscal year 2006;*
 22 *“(3) \$12,668,000 for fiscal year 2007;*
 23 *“(4) \$13,048,000 for fiscal year 2008; and*

1 “(5) \$13,440,000 for fiscal year 2009.”.

Attest:

Secretary.

108TH CONGRESS
2^D SESSION

H. R. 2608

AMENDMENT