

116TH CONGRESS
1ST SESSION

S. 810

To clarify the authority of the Administrator of the National Oceanic and Atmospheric Administration with respect to post-storm assessments, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 14, 2019

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

A BILL

To clarify the authority of the Administrator of the National Oceanic and Atmospheric Administration with respect to post-storm assessments, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “COASTAL Implemen-
5 tation Act of 2019”.

6 **SEC. 2. NAMED STORM EVENT MODEL AND POST-STORM**
7 **ASSESSMENTS.**

8 (a) AMENDMENTS TO THE OMNIBUS PUBLIC LAND
9 MANAGEMENT ACT OF 2009.—Section 12312 of the Om-

1 nibus Public Land Management Act of 2009 (33 U.S.C.
2 3611) is amended—

3 (1) in subsection (a)—

4 (A) in paragraph (2), by striking the pe-
5 riod at the end and inserting the following: “,
6 except that the term shall not apply with re-
7 spect to a State or territory that has an oper-
8 ational wind and flood loss allocation system.”;

9 (B) in paragraph (6), by inserting “sus-
10 tained” before “winds”; and

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

15 (2) in subsection (b)—

16 (A) in paragraph (1)—

17 (i) in subparagraph (A)—

18 (I) by striking “540 days after
19 the date of the enactment of the Con-
20 sumer Option for an Alternative Sys-
21 tem to Allocate Losses Act of 2012”
22 and inserting “December 31, 2019”;
23 and

24 (II) by striking “by regulation”;

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

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

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

10 (B) in paragraph (2)—

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

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

16 “(B) DATA COLLECTION.—

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

encing geophysical events that would cause
indeterminate losses.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (3) in subsection (c)—

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

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

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

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

24 (1) in subsection (a)—

1 (A) in paragraph (3), by striking the pe-
 2 riod at the end and inserting the following: “,
 3 except that the term shall not apply with re-
 4 spect to a State or territory that has an oper-
 5 ational wind and flood loss allocation system.”;
 6 and

7 (B) in paragraph (5), by inserting “sus-
 8 tained” after “maximum”;
 9 (2) in subsection (b)—

10 (A) in paragraph (1), by striking “estab-
 11 lish by rule” and inserting “publish for com-
 12 ment in the Federal Register”; and

13 (B) in paragraph (2)(B), by inserting after
 14 “Elevation Certificate” the following: “, or
 15 other data or information used to determine a
 16 property’s current risk of flood, as determined
 17 by the Administrator,”;

18 (3) in subsection (c)(3)(A)(i), by striking “the
 19 issuance of the rule establishing the COASTAL For-
 20 mula” and inserting “publication of the COASTAL
 21 Formula in the Federal Register as required by sub-
 22 section (b)(1)”;

23 (4) in subsection (h)—

1 (A) by inserting “that issues a standard
 2 flood insurance policy under the national flood
 3 insurance program” after “company”; and

4 (B) by striking “or the COASTAL For-
 5 mula” and inserting “, the COASTAL For-
 6 mula, or any other loss allocation or post-storm
 7 assessment arising under the laws or ordinances
 8 of any State”;

9 (5) in subsection (i), by striking “after the date
 10 on which the Administrator issues the rule estab-
 11 lishing the COASTAL Formula under subsection
 12 (b)” and inserting “60 days after publication of the
 13 COASTAL Formula in the Federal Register as re-
 14 quired by subsection (b)(1)”; and

15 (6) by adding at the end the following:

16 “(k) RULE OF CONSTRUCTION.—Nothing in this sec-
 17 tion shall be construed to create a cause of action under
 18 this Act.”.

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