

115TH CONGRESS  
1ST SESSION

# S. 2242

To amend the Omnibus Public Land Management Act of 2009 to clarify the authority of the Administrator of the National Oceanic and Atmospheric Administration with respect to post-storm assessments, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

DECEMBER 18, 2017

Mr. WICKER 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 amend the Omnibus Public Land Management Act of 2009 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 2017”.

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

3 (a) AMENDMENTS TO THE OMNIBUS PUBLIC LAND  
4 MANAGEMENT ACT OF 2009.—Section 12312 of the Om-  
5 nibus Public Land Management Act of 2009 (33 U.S.C.  
6 3611) is amended—

7 (1) in subsection (a)—

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

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

14 (2) in subsection (b)—

15 (A) in paragraph (1)—

16 (i) in subparagraph (A)—

17 (I) by striking “540 days after  
18 the date of the enactment of the Con-  
19 sumer Option for an Alternative Sys-  
20 tem to Allocate Losses Act of 2012”  
21 and inserting “June 1, 2019”; and

22 (II) by striking “by regulation”;

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

25 (iii) by adding at the end the fol-  
26 lowing:

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

6           (B) in paragraph (2)—

7           (i) by redesignating subparagraphs  
8 (B) and (C) as subparagraphs (D) and  
9 (E), respectively;

10          (ii) by inserting after subparagraph  
11 (A) the following:

12          “(B) DATA COLLECTION.—

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

23           “(ii) RULE OF CONSTRUCTION.—If  
24 the Administrator takes action under  
25 clause (i), that action may not be con-

1           strued as indicating that a post-storm as-  
2           sessment will be developed for any coastal  
3           State in which that action is taken.

4           “(C) IDENTIFICATION OF INDETERMINATE  
5           LOSSES IN COASTAL STATES.—Not later than  
6           30 days after the first date on which sustained  
7           winds of not less than 39 miles per hour are  
8           measured in a coastal State during a named  
9           storm identified under subparagraph (A), the  
10          Secretary of Homeland Security shall notify the  
11          Administrator with respect to the existence of  
12          any indeterminate losses in that coastal State  
13          resulting from that named storm.”;

14                 (iii) in subparagraph (D), as so redес-  
15                 ignated—

16                         (I) by striking “identification of  
17                         a named storm under subparagraph  
18                         (A)” and inserting “confirmation of  
19                         indeterminate losses identified under  
20                         subparagraph (C) with respect to a  
21                         named storm”; and

22                         (II) by striking “assessment for  
23                         such named storm” and inserting “as-  
24                         sessment for each coastal State that

1                   suffered such indeterminate losses as  
2                   a result of the named storm”;

3                   (iv) in subparagraph (E), as so reded-  
4                   ignated—

5                   (I) by striking “an identification  
6                   of a named storm is made under sub-  
7                   paragraph (A)” and inserting “any in-  
8                   determinate losses are identified  
9                   under subparagraph (C)”;

10                  (II) by striking “for such storm  
11                  under subparagraph (B)” and insert-  
12                  ing “, under subparagraph (D), for  
13                  any coastal State that suffered such  
14                  indeterminate losses”;

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

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

18                  “(i) IN GENERAL.—The Administrator  
19                  may conduct a separate post-storm assess-  
20                  ment for each coastal State in which inde-  
21                  terminate losses are identified under sub-  
22                  paragraph (C).

23                  “(ii) TIMELINE.—If the Administrator  
24                  conducts a separate post-storm assessment  
25                  under clause (i), the Administrator shall

1 complete the assessment based on the  
2 dates of actions that the Administrator  
3 takes under subparagraphs (C) and (D).”;  
4 and

5 (3) in subsection (c)—

6 (A) in paragraph (1), by striking “540  
7 days after the date of the enactment of the  
8 Consumer Option for an Alternative System to  
9 Allocate Losses Act of 2012” and inserting  
10 “June 1, 2019”;

11 (B) in paragraph (2), by inserting “, in the  
12 discretion of the Administrator,” after “of sen-  
13 sors as may”; and

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

16 (b) AMENDMENT TO THE NATIONAL FLOOD INSUR-  
17 ANCE ACT OF 1968.—Section 1337(a)(5) of the National  
18 Flood Insurance Act of 1968 (42 U.S.C. 4057(a)(5)) is  
19 amended by inserting “sustained” after “maximum”.

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