

person’s will, where the victim is incapable of giving consent because of his or her youth or his or her temporary or permanent mental or physical incapacity; or

(C) the carnal knowledge, oral sodomy, sexual assault with an object, or sexual fondling of a person achieved through the exploitation of the fear or threat of physical violence or bodily injury.

(10) Sexual assault with an object

The term “sexual assault with an object” means the use of any hand, finger, object, or other instrument to penetrate, however slightly, the genital or anal opening of the body of another person.

(11) Sexual fondling

The term “sexual fondling” means the touching of the private body parts of another person (including the genitalia, anus, groin, breast, inner thigh, or buttocks) for the purpose of sexual gratification.

(12) Exclusions

The terms and conditions described in paragraphs (9) and (10) shall not apply to—

(A) custodial or medical personnel gathering physical evidence, or engaged in other legitimate medical treatment, in the course of investigating prison rape;

(B) the use of a health care provider’s hands or fingers or the use of medical devices in the course of appropriate medical treatment unrelated to prison rape; or

(C) the use of a health care provider’s hands or fingers and the use of instruments to perform body cavity searches in order to maintain security and safety within the prison or detention facility, provided that the search is conducted in a manner consistent with constitutional requirements.

(Pub. L. 108–79, §10, Sept. 4, 2003, 117 Stat. 987.)

CHAPTER 148—WINDSTORM IMPACT REDUCTION

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§ 15701. 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.

(Pub. L. 108–360, title II, §202, Oct. 25, 2004, 118 Stat. 1675.)

SHORT TITLE OF 2015 AMENDMENT

Pub. L. 114–52, §1, Sept. 30, 2015, 129 Stat. 496, provided that: “This Act [amending sections 15702 to 15704 and 15706 of this title] may be cited as the ‘National Windstorm Impact Reduction Act Reauthorization of 2015’.”

SHORT TITLE

Pub. L. 108–360, title II, §201, Oct. 25, 2004, 118 Stat. 1675, provided that: “This Act [probably should be ‘this title’, enacting this chapter and amending section 1885d of this title] may be cited as the ‘National Windstorm Impact Reduction Act of 2004’.”

§ 15702. Definitions

In this chapter:

(1) Director

The term “Director” means the Director of the National Institute of Standards and Technology.

(2) Lifelines

The term “lifelines” means public works and utilities, including transportation facilities and infrastructure, oil and gas pipelines, electrical power and communication facilities and infrastructure, and water supply and sewage treatment facilities.

(3) Program

The term “Program” means the National Windstorm Impact Reduction Program established by section 15703(a) of this title.

(4) State

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.

(5) Windstorm

The term “windstorm” means any storm with a damaging or destructive wind component, such as a hurricane, tropical storm, northeaster, tornado, or thunderstorm.

(Pub. L. 108-360, title II, §203, Oct. 25, 2004, 118 Stat. 1676; Pub. L. 114-52, §2, Sept. 30, 2015, 129 Stat. 496.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this title”, meaning title II of Pub. L. 108-360, Oct. 25, 2004, 118 Stat. 1675, which is classified principally to this chapter. For complete classification of title II to the Code, see Short Title note set out under section 15701 of this title and Tables.

AMENDMENTS

2015—Par. (1). Pub. L. 114-52, §2(a), substituted “Director of the National Institute of Standards and Technology” for “Director of the Office of Science and Technology Policy”.

Par. (2). Pub. L. 114-52, §2(b)(2), added par. (2). Former par. (2) redesignated (3).

Pars. (3), (4). Pub. L. 114-52, §2(b)(1), redesignated pars. (2) and (3) as (3) and (4), respectively. Former par. (4) redesignated (5).

Par. (5). Pub. L. 114-52, §2(b)(1), (c), redesignated par. (4) as (5) and inserted “northeaster,” after “tropical storm,”.

§ 15703. National Windstorm Impact Reduction Program

(a) Establishment

There is established the National Windstorm Impact Reduction Program, the purpose of which is to achieve major measurable reductions in the losses of life and property from windstorms 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 the implementation of cost-effective mitigation measures to reduce those impacts.

(b) Responsibilities of Program agencies

(1) Lead agency

The National Institute of Standards and Technology shall have the primary responsibility for planning and coordinating the Program. In carrying out this paragraph, the Director shall—

(A) ensure that the Program includes the necessary components to promote the implementation of windstorm risk reduction measures by Federal, State, and local governments, national standards and model building code organizations, architects and engineers, and others with a role in planning and constructing buildings and lifelines;

(B) support the development of performance-based engineering tools, and work with appropriate groups to promote the commercial application of such tools, including through wind-related model building codes, voluntary standards, and construction best practices;

(C) request the assistance of Federal agencies other than the Program agencies, as necessary to assist in carrying out this chapter;

(D) coordinate all Federal post-windstorm investigations to the extent practicable; and

(E) when warranted by research or investigative findings, issue recommendations to assist in informing the development of

model codes, and provide information to Congress on the use of such recommendations.

(2) National Institute of Standards and Technology

In addition to the lead agency responsibilities described under paragraph (1), the National Institute of Standards and Technology shall be responsible for carrying out research and development to improve model building codes, voluntary standards, and best practices for the design, construction, and retrofit of buildings, structures, and lifelines.

(3) National Science Foundation

The National Science Foundation shall support research in—

(A) engineering and the atmospheric sciences to improve the understanding of the behavior of windstorms and their impact on buildings, structures, and lifelines; and

(B) economic and social factors influencing windstorm risk reduction measures.

(4) National Oceanic and Atmospheric Administration

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.

(5) Federal Emergency Management Agency

The Federal Emergency Management Agency shall—

(A) support—

(i) the development of risk assessment tools and effective mitigation techniques;

(ii) windstorm-related data collection and analysis;

(iii) public outreach and information dissemination; and

(iv) promotion of the adoption of windstorm preparedness and mitigation measures, including for households, businesses, and communities, consistent with the Agency’s all-hazards approach; and

(B) work closely with national standards and model building code organizations, in conjunction with the National Institute of Standards and Technology, to promote the implementation of research results and promote better building practices within the building design and construction industry, including architects, engineers, contractors, builders, and inspectors.

(c) 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 chapter shall be peer-reviewed, and the components shall be designed to be complementary to, and avoid duplication of,