

115TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To reauthorize and amend the National Earthquake Hazards Reduction Program, and for other purposes.

---

IN THE SENATE OF THE UNITED STATES

---

Mrs. FEINSTEIN introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

---

## **A BILL**

To reauthorize and amend the National Earthquake Hazards Reduction Program, 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 “National Earthquake  
5 Hazards Reduction Program Reauthorization Act of  
6 2017”.

7 **SEC. 2. MODIFICATION OF FINDINGS AND PURPOSE.**

8       (a) FINDINGS.—Section 2 of the Earthquake Haz-  
9 ards Reduction Act of 1977 (42 U.S.C. 7701) is amend-  
10 ed—

1 (1) in paragraph (1)—

2 (A) by inserting “Oregon,” after “New  
3 York,”; and

4 (B) by inserting “Tennessee,” after  
5 “South Carolina”;

6 (2) in paragraph (2), by striking “prediction  
7 techniques and”;

8 (3) by striking paragraph (4) and inserting the  
9 following:

10 “(4) A well-funded seismological research pro-  
11 gram could provide the scientific understanding  
12 needed to fully implement an effective earthquake  
13 early warning system.”;

14 (4) in paragraphs (6) and (7), by striking “life-  
15 lines” each place it appears and inserting “lifeline  
16 infrastructure”; and

17 (5) by adding at the end the following:

18 “(12) The built environment has generally been  
19 constructed and maintained to meet the needs of the  
20 users under normal conditions. When earthquakes  
21 occur, the built environment is generally designed to  
22 prevent severe injuries or loss of human life and is  
23 not expected to remain operational or able to recover  
24 under any specified schedule.

1           “(13) The National Research Council published  
2           a study on reducing hazards and risks associated  
3           with earthquakes based on the goals and objectives  
4           for achieving national earthquake resilience de-  
5           scribed in the strategic plan entitled ‘Strategic Plan  
6           for the National Earthquake Hazards Reduction  
7           Program’. The study and an accompanying report  
8           called for work in 18 tasks focused on research, pre-  
9           paredness, and mitigation and annual funding of ap-  
10          proximately \$300,000,000 per year for 20 years.”.

11          (b) PURPOSE.—Section 3 of such Act (42 U.S.C.  
12 7702) is amended—

13           (1) in the matter preceding paragraph (1), in  
14           the first sentence, by inserting “and increase the re-  
15           silience of communities” after “future earthquakes”;

16           (2) in paragraph (1), by inserting “to individ-  
17           uals and the communities” after “an earthquake”;

18           (3) in paragraph (2), by striking “in time of  
19           disaster” and inserting “to facilitate community-  
20           wide post-earthquake recovery and in times of dis-  
21           aster”;

22           (4) in paragraph (3), by striking “for predicting  
23           damaging earthquakes and”;

24           (5) in paragraph (4), by inserting “and plan-  
25           ning” after “model building”; and

1           (6) in paragraph (5), by striking “reconstruc-  
2           tion” and inserting “re-occupancy, recovery, recon-  
3           struction,”.

4           (c) DEFINITIONS.—

5           (1) LIFELINE INFRASTRUCTURE.—

6           (A) IN GENERAL.—Section 4(6) of such  
7           Act (42 U.S.C. 7703(6)) is amended by striking  
8           “lifelines” and inserting “lifeline infrastruc-  
9           ture”.

10           (B) CONFORMING AMENDMENT.—Such Act  
11           (42 U.S.C. 7701 et seq.) is amended by striking  
12           “lifelines” each place it appears and inserting  
13           “lifeline infrastructure”.

14           (2) COMMUNITY RESILIENCE.—Section 4 of  
15           such Act (42 U.S.C. 7703) is amended by adding at  
16           the end the following:

17           “(3) The term ‘community resilience’ means the  
18           ability of a community to prepare and plan for, ab-  
19           sorb, recover from, and more successfully adapt to  
20           adverse seismic events.”.

21   **SEC. 3. MODIFICATION OF NATIONAL EARTHQUAKE HAZ-**  
22                                   **ARDS REDUCTION PROGRAM.**

23           (a) MODIFICATION OF PROGRAM ACTIVITIES.—Sub-  
24           section (a)(2) of section 5 of the Earthquake Hazards Re-  
25           duction Act of 1977 (42 U.S.C. 7704) is amended—

1 (1) in subparagraph (B)—

2 (A) in clause (iii), by inserting “, commu-  
3 nity resilience,” after “seismic risk”; and

4 (B) by adding at the end the following:

5 “(iv) publishing a systematic set of  
6 maps of active faults and folds, lique-  
7 faction susceptibility, susceptibility for  
8 earthquake induced landslides, and other  
9 seismically induced hazards; and”;

10 (2) in subparagraph (D), by striking “develop,  
11 operate” and all that follows through “7708),” and  
12 inserting “continue the development of the Advanced  
13 National Seismic System, including earthquake early  
14 warning capabilities”.

15 (b) AMENDMENTS RELATING TO INTERAGENCY CO-  
16 ORDINATING COMMITTEE ON EARTHQUAKE HAZARDS RE-  
17 DUCATION.—

18 (1) CLARIFICATION REGARDING MEMBER-  
19 SHIP.—Subsection (B) of subsection (a)(3) of such  
20 section is amended, in the matter preceding clause  
21 (i), by striking “The committee” and inserting “In  
22 addition to the Director, the committee”.

23 (2) REDUCTION IN MINIMUM FREQUENCY OF  
24 MEETINGS OF INTERAGENCY COORDINATING COM-  
25 MITTEE ON EARTHQUAKE HAZARDS REDUCTION.—

1 Subparagraph (C) of such subsection is amended by  
2 striking “not less than 3 times a year” and inserting  
3 “not less frequently than once each year”.

4 (3) EXPANSION OF DUTIES.—Subparagraph  
5 (D) of such subsection is amended to read as fol-  
6 lows:

7 “(D) DUTIES.—

8 “(i) GENERAL DUTY.—The Inter-  
9 agency Coordinating Committee shall over-  
10 see the planning, management, and coordi-  
11 nation of the Program.

12 “(ii) SPECIFIC DUTIES.—The duties  
13 of the Interagency Coordinating Committee  
14 include the following:

15 “(I) Developing, not later than 6  
16 months after the date of the enact-  
17 ment of the National Earthquake  
18 Hazards Reduction Program Reau-  
19 thorization Act of 2004 and updating  
20 periodically—

21 “(aa) a strategic plan that  
22 establishes goals and priorities  
23 for the Program activities de-  
24 scribed under subsection (a)(2);  
25 and

1                   “(bb) a detailed manage-  
2                   ment plan to implement such  
3                   strategic plan.

4                   “(II) Developing a coordinated  
5                   interagency budget for the Program  
6                   that will ensure appropriate balance  
7                   among the Program activities de-  
8                   scribed under subsection (a)(2), and,  
9                   in accordance with the plans devel-  
10                  oped under subclause (I), submitting  
11                  such budget to the Director of the Of-  
12                  fice of Management and Budget at  
13                  the time designated by the Director  
14                  for agencies to submit biennial budg-  
15                  ets.

16                  “(III) Developing interagency  
17                  memorandums of understanding with  
18                  any relevant Federal agencies on data  
19                  sharing and resource commitment in  
20                  the event of an earthquake disaster.

21                  “(IV) Coordinating with the Ad-  
22                  ministrator of the National Aero-  
23                  nautics and Space Administration and  
24                  the Administrator of the National  
25                  Oceanic and Atmospheric Administra-

1                   tion on data sharing and resource al-  
2                   location to ensure judicious use of  
3                   Government resources and the free-  
4                   flowing exchange of information re-  
5                   lated to earthquakes.

6                   “(V) Coordinating with the Sec-  
7                   retary of Agriculture and the Sec-  
8                   retary of the Interior on the use of  
9                   public lands for earthquake moni-  
10                  toring and research stations, and re-  
11                  lated data collection.

12                  “(VI) Coordinating with the Sec-  
13                  retary of Transportation and the Sec-  
14                  retary of Housing and Urban Devel-  
15                  opment on the effects of earthquakes  
16                  on transportation and housing stocks.

17                  “(iii) ASSISTANCE FROM SECRETARY  
18                  OF AGRICULTURE AND SECRETARY OF THE  
19                  INTERIOR.—To the extent practicable, the  
20                  Secretary of Agriculture and the Secretary  
21                  of the Interior shall expedite any request  
22                  for a permit to use public land under  
23                  clause (ii)(V).”.

1           (4) REDUCTION IN FREQUENCY OF REPORTING  
2 BY INTERAGENCY COORDINATING COMMITTEE ON  
3 EARTHQUAKE HAZARDS REDUCTION.—

4           (A) IN GENERAL.—Subsection (a)(4) of  
5 such section is amended—

6           (i) in the paragraph heading, by strik-  
7 ing “ANNUAL” and inserting “BIENNIAL”;

8           (ii) by redesignating subparagraphs  
9 (A) through (F) as clauses (i) through (vi),  
10 respectively, and adjusting the indentation  
11 of the margin of such clauses, as so redesi-  
12 gnated, two ems to the right;

13           (iii) in the matter preceding clause (i),  
14 as redesignated by clause (ii), by striking  
15 “The Interagency” and all that follows  
16 through “Senate” and inserting the fol-  
17 lowing:

18           “(A) IN GENERAL.—Not less frequently  
19 than once every two years, the Interagency Co-  
20 ordinating Committee shall submit to the Com-  
21 mittee on Commerce, Science, and Transpor-  
22 tation, the Committee on Energy and Natural  
23 Resources, and the Committee on Homeland  
24 Security and Governmental Affairs of the Sen-  
25 ate and the Committee on Energy and Com-

1 merce, the Committee on Natural Resources,  
2 and the Committee on Homeland Security of  
3 the House of Representatives a report on the  
4 Program”; and

5 (iv) by adding at the end the fol-  
6 lowing:

7 “(B) SUPPORT FOR PREPARATION OF RE-  
8 PORT.—Each head of a Program agency shall  
9 submit to the Director of the National Institute  
10 of Standards and Technology such information  
11 as the Director may request for the preparation  
12 of a report under subparagraph (A) not later  
13 than 90 days after the date on which the Direc-  
14 tor requests such information.”.

15 (B) EFFECTIVE DATE.—The amendments  
16 made by subparagraph (A) shall take effect on  
17 the first day of the first fiscal year beginning  
18 after the date of the enactment of this Act.

19 (c) MODIFICATION OF RESPONSIBILITIES OF NA-  
20 TIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—  
21 Subsection (b) of such section is amended—

22 (1) in paragraph (1)—

23 (A) in subparagraph (A), by striking “and  
24 constructing,” and inserting “constructing,  
25 evaluating, and retrofitting”; and

1 (B) in subparagraph (D), by inserting  
2 “provide new and” after “research to”; and  
3 (2) in paragraph (5), in the matter preceding  
4 subparagraph (A), in the first sentence, by inserting  
5 “community resilience through” after “improve”.

6 (d) MODIFICATION OF RESPONSIBILITIES OF FED-  
7 ERAL EMERGENCY MANAGEMENT AGENCY.—Paragraph  
8 (2) of subsection (b) of such section is amended to read  
9 as follows:

10 “(2) DEPARTMENT OF HOMELAND SECURITY;  
11 FEDERAL EMERGENCY MANAGEMENT AGENCY.—

12 “(A) PROGRAM RESPONSIBILITIES.—The  
13 Administrator of the Federal Emergency Man-  
14 agement Agency—

15 “(i) shall operate a program of grants  
16 and assistance to enable States to develop  
17 mitigation, preparedness, and response  
18 plans, purchase necessary instrumentation,  
19 prepare inventories and conduct seismic  
20 safety inspections of critical structures and  
21 lifelines, update building, land use plan-  
22 ning, and zoning codes and ordinances to  
23 enhance seismic safety, increase earth-  
24 quake awareness and education, and pro-

1           vide assistance to multi-State groups for  
2           such purposes;

3                   “(ii) shall support the implementation  
4           of a comprehensive earthquake education,  
5           outreach, and public awareness program,  
6           including development of materials and  
7           their wide dissemination to all appropriate  
8           audiences and support public access to lo-  
9           cality-specific information that may assist  
10          the public in preparing for, mitigating  
11          against, responding to and recovering from  
12          earthquakes and related disasters;

13                   “(iii) shall, in conjunction with the  
14          Director of the National Institute of  
15          Standards and Technology, other Federal  
16          agencies, and private sector groups, use re-  
17          search results to support the preparation,  
18          maintenance, and wide dissemination of  
19          seismic resistant design guidance and re-  
20          lated information on building codes, stand-  
21          ards, and practices for new and existing  
22          buildings, structures, and lifelines, aid in  
23          the development of performance-based de-  
24          sign guidelines and methodologies, and  
25          support model codes that are cost effective

1 and affordable in order to promote better  
2 practices within the design and construc-  
3 tion industry and reduce losses from earth-  
4 quakes;

5 “(iv) shall enter into cooperative  
6 agreements or contracts with States and  
7 local jurisdictions and other Federal agen-  
8 cies to establish demonstration projects on  
9 earthquake hazard mitigation, to link  
10 earthquake research and mitigation efforts  
11 with emergency management programs, or  
12 to prepare educational materials for na-  
13 tional distribution; and

14 “(v) shall support the Director of the  
15 National Institute of Standards and Tech-  
16 nology in the completion of programmatic  
17 goals.

18 “(B) STATE ASSISTANCE PROGRAM CRI-  
19 TERIA.—In order to qualify for assistance  
20 under subparagraph (A)(i), a State must—

21 “(i) demonstrate that the assistance  
22 will result in enhanced seismic safety in  
23 the State;

24 “(ii) provide 25 percent of the costs of  
25 the activities for which assistance is being

1 given, except that the Administrator may  
2 lower or waive the cost-share requirement  
3 for these activities in exceptional cases of  
4 economic hardship; and  
5 “(iii) meet such other requirements as  
6 the Administrator shall prescribe.”.

7 (e) MODIFICATION OF RESPONSIBILITIES OF UNITED  
8 STATES GEOLOGICAL SURVEY.—Subsection (b)(3) of such  
9 section is amended—

10 (1) in the matter preceding subparagraph (A),  
11 in the first sentence—

12 (A) by inserting “report on significant do-  
13 mestic and international earthquakes and” after  
14 “Survey shall”; and

15 (B) by striking “predictions.” and insert-  
16 ing “forecasts.”;

17 (2) in subparagraph (C), by striking “pre-  
18 dictions, including aftershock advisories” and insert-  
19 ing “alerts and early warnings”;

20 (3) by striking subparagraph (D) and inserting  
21 the following:

22 “(D) issue when necessary and feasible,  
23 and notify the Administrator of the Federal  
24 Emergency Management Agency, the Director  
25 of the National Institute of Standards and

1 Technology, and State and local officials, an  
2 alert and an earthquake warning;”;

3 (4) in subparagraph (E), in the matter pre-  
4 ceding clause (i), by striking “using” and inserting  
5 “including”;

6 (5) in subparagraph (I), by striking “; and”  
7 and inserting a semicolon;

8 (6) in subparagraph (J)—

9 (A) by inserting “and data” after “hazard  
10 maps”; and

11 (B) by striking the period at the end and  
12 inserting “; and”; and

13 (7) by adding at the end the following:

14 “(K) support the Director of the National  
15 Institute of Standards and Technology in the  
16 completion of programmatic goals.”.

17 (f) MODIFICATION OF RESPONSIBILITIES OF NA-  
18 TIONAL SCIENCE FOUNDATION.—Subsection (b)(4) of  
19 such section is amended—

20 (1) in subparagraph (B), by inserting “, State  
21 agencies, State geological surveys,”;

22 (2) in subparagraph (C), by inserting “to sup-  
23 port applied science in the production of a system-  
24 atic series of earthquake-related geologic hazard  
25 maps, and” after “Survey”;

1           (3) in subparagraph (D), by striking “George  
2           E. Brown Jr. Network for Earthquake Engineering  
3           and Simulation” and inserting “Natural Hazards  
4           Engineering Research Infrastructure”;

5           (4) in subparagraph (G), by striking “; and”  
6           and inserting a semicolon;

7           (5) in subparagraph (H), by striking the period  
8           at the end and inserting “; and”;

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

10                   “(I) support the Director of the National  
11           Institute of Standards and Technology in the  
12           completion of programmatic goals.”;

13           (7) by redesignating subparagraphs (A) through  
14           (I) as clauses (i) through (ix), respectively, and in-  
15           denting such clauses accordingly;

16           (8) in the matter before clause (i), as redesign-  
17           ated by paragraph (7), in the first sentence, by  
18           striking “The National Science Foundation” and in-  
19           serting the following:

20                   “(A) IN GENERAL.—The National Science  
21           Foundation”; and

22           (9) by adding at the end the following:

23                   “(B) IDENTIFICATION OF FUNDING.—The  
24           National Science Foundation shall—

1                   “(i) note in any notice of Program  
2                   funding or other funding possibilities  
3                   under the Program that the funds are part  
4                   of the Program;

5                   “(ii) track the awarding of Federal  
6                   funds through the Program; and

7                   “(iii) not less frequently than once  
8                   every 2 years, submit to the director of the  
9                   Program a report specifying the amount of  
10                  Federal funds awarded to conduct research  
11                  that enhances the understanding of earth-  
12                  quake science.”.

13 **SEC. 4. REVIEW OF RISKS POSED BY EARTHQUAKES TO**  
14 **THE UNITED STATES.**

15           (a) **IN GENERAL.**—As soon as practicable, but not  
16 later than such date as is necessary for the Comptroller  
17 General of the United States to submit the report required  
18 by subsection (c) in accordance with such subsection, the  
19 Comptroller General shall complete a review of risks posed  
20 by earthquakes to the United States.

21           (b) **ELEMENTS.**—The review conducted under sub-  
22 section (a) shall include the following:

23                   (1) A comprehensive assessment of—

24                           (A) the risks and hazards to the United  
25                           States posed by earthquakes, including risks

1 and hazards resulting from tsunamis and land-  
2 slides that are generated by earthquakes;

3 (B) the efforts of the Federal Emergency  
4 Management Agency and the National Institute  
5 of Standards and Technology to improve the re-  
6 siliance of the United States to earthquakes and  
7 to identify important gaps in the resilience of  
8 the United States to earthquakes;

9 (C) the progress made by the National In-  
10 stitute of Standards and Technology and the  
11 Interagency Coordinating Committee to coordi-  
12 nate effectively the budget and activities of the  
13 Program agencies (as defined in section 4 of  
14 the Earthquake Hazards Reduction Act of 1977  
15 (42 U.S.C. 7703)) in advancing the plans and  
16 goals of the National Earthquake Hazards Re-  
17 duction Program and how coordination among  
18 the Program agencies can be improved;

19 (D) the extent to which the Federal Gov-  
20 ernment, States, local, and tribal governments,  
21 and the private sector are already implementing  
22 strategies to improve resilience of the United  
23 States to earthquakes; and

24 (E) the extent to which the research done  
25 during the 40 years of the Program has been

1 applied to both public and private earthquake  
2 risk and hazards reduction.

3 (2) Identification of such legislative or adminis-  
4 trative action as may be appropriate to improve the  
5 Program and the resilience of the United States to  
6 earthquakes.

7 (c) REPORT.—As soon as practicable, but not later  
8 than 3 years after the date of the enactment of this Act,  
9 the Comptroller General shall submit to the Committee  
10 on Commerce, Science, and Transportation, the Com-  
11 mittee on Energy and Natural Resources, and the Com-  
12 mittee on Homeland Security and Governmental Affairs  
13 of the Senate and the Committee on Energy and Com-  
14 merce, the Committee on Natural Resources, and the  
15 Committee on Homeland Security of the House of Rep-  
16 resentatives a report on the findings of the Comptroller  
17 General with respect to the review completed under sub-  
18 section (a).

19 **SEC. 5. SEISMIC STANDARDS.**

20 Section 8 of the Earthquake Hazards Reduction Act  
21 of 1977 (42 U.S.C. 7705b) is amended to read as follows:

22 **“SEC. 8. SEISMIC STANDARDS.**

23 “(a) ASSESSMENT AND RECOMMENDATIONS.—Not  
24 later than December 1, 2019, the Director of the National  
25 Institute of Standards and Technology and the Adminis-

1 trator of the Federal Emergency Management Agency  
2 shall jointly convene a committee of experts from Federal  
3 agencies, nongovernmental organizations, private sector  
4 entities, disaster management professional associations,  
5 engineering professional associations, and professional  
6 construction and homebuilding industry associations, to  
7 assess and recommend options for improving the built en-  
8 vironment and critical infrastructure to reflect perform-  
9 ance goals stated in terms of post-earthquake reoccupancy  
10 and functional recovery time.

11 “(b) REPORT TO CONGRESS.—Not later than June  
12 30, 2020, the committee convened under paragraph (1)  
13 shall submit to Congress a report on recommended options  
14 for improving the built environment and critical infra-  
15 structure to reflect performance goals stated in terms of  
16 post-earthquake reoccupancy and functional recovery  
17 time.”.

18 **SEC. 6. MANAGEMENT PLAN FOR ADVANCED NATIONAL**  
19 **SEISMIC SYSTEM.**

20 (a) PLAN REQUIRED.—Not later than 1 year after  
21 the date of the enactment of this Act, the United States  
22 Geological Survey shall submit to Congress a 5-year man-  
23 agement plan for the continued operation of the Advanced  
24 National Seismic System.

1 (b) ELEMENTS.—The plan required by subsection (a)  
2 shall include the following:

3 (1) Strategies to continue the development of  
4 an earthquake early warning system.

5 (2) A mechanism for securing the participation  
6 of State and regional level earthquake monitoring  
7 entities, including those defunded by the Advanced  
8 National Seismic System in the last five years.

9 (3) A plan to encourage and support the inte-  
10 gration of geospatial data products into earthquake  
11 monitoring in regions experiencing large earth-  
12 quakes.

13 (4) A plan to ensure that there is an active,  
14 geographically-diverse, management and advisory  
15 structure for the Advanced National Seismic Sys-  
16 tem.

17 **SEC. 7. REPEAL OF EXPIRED AUTHORIZATIONS.**

18 Section 12 of the Earthquake Hazards Reduction Act  
19 of 1977 (42 U.S.C. 7706) is hereby repealed.

20 **SEC. 8. TECHNICAL CORRECTIONS.**

21 (a) CORRECTION OF TITLE OF ADMINISTRATOR OF  
22 THE FEDERAL EMERGENCY MANAGEMENT AGENCY.—  
23 The Earthquake Hazards Reduction Act of 1977 (42  
24 U.S.C. 7701 et seq.) is amended—

1 (1) in section 5 of the Earthquake Hazards Re-  
2 duction Act of 1977 (42 U.S.C. 7704)—

3 (A) in subsection (a)(3)(B), as amended by  
4 section 3(b)(1)—

5 (i) in the matter preceding clause (i),  
6 by striking “the directors of”;

7 (ii) in clause (i), by inserting “the Ad-  
8 ministrator of” before “the”; and

9 (iii) in clause (ii) through (v), by in-  
10 sserting “the Director of” before “the” each  
11 place it appears; and

12 (B) in subsection (b)(3)(C), as amended by  
13 section 3(e), by striking “Director of the Fed-  
14 eral” and inserting “Administrator of the Fed-  
15 eral”; and

16 (2) in section 9 of such Act (42 U.S.C. 7705c),  
17 by striking “Director of the Agency” and inserting  
18 “Administrator of the Federal Emergency Manage-  
19 ment Agency” each place it appears.

20 (b) REFERENCES TO THE ADVANCED NATIONAL  
21 SEISMIC SYSTEM.—Such Act is amended—

22 (1) in section 13, in the section heading, by  
23 striking “**ADVANCED NATIONAL SEISMIC RE-**  
24 **SEARCH AND MONITORING SYSTEM**” and insert-

1       ing “**ADVANCED NATIONAL SEISMIC SYSTEM**”;  
2       and

3               (2) by striking “Advanced National Seismic Re-  
4       search and Monitoring System” each place it ap-  
5       pears and inserting “Advanced National Seismic  
6       System”.

7       (c) **INCORRECT CROSS-REFERENCES.**—Paragraph  
8       (4) of section 5(a) of such Act (42 U.S.C. 7704(a)), as  
9       amended by section 3(b)(4)(A), is amended—

10              (1) in clauses (i) and (ii) of subparagraph (A),  
11       as redesignated by section 3(b)(4)(A), by striking  
12       “subparagraph (3)(A)” both places it appears and  
13       inserting “paragraph (3)(D)(i)(I)”; and

14              (2) in clause (iii), as redesignated, by striking  
15       “under (3)(A)” and inserting “under paragraph  
16       (3)(D)(i)(I)”.