

COASTAL BARRIER RESOURCES REAUTHORIZATION ACT OF
1999

JULY 1, 1999.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources,
submitted the following

REPORT

together with

ADDITIONAL VIEWS

[To accompany H.R. 1431]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 1431) to reauthorize and amend the Coastal Barrier Resources Act, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Coastal Barrier Resources Reauthorization Act of 1999”.

SEC. 2. ADDITIONS TO COASTAL BARRIER RESOURCES SYSTEM.

(a) VOLUNTARY ADDITIONS.—Section 4 of the Coastal Barrier Resources Act (16 U.S.C. 3503) is amended by adding at the end the following:

“(d) VOLUNTARY ADDITIONS TO SYSTEM.—The Secretary may add any parcel of real property to the System, if—

“(1) the owner of the parcel requests that the Secretary add the parcel to the System; and

“(2) the parcel is a depositional geologic feature described in section 3(1)(A).”.

(b) TECHNICAL AMENDMENTS RELATING TO ADDITIONS OF EXCESS PROPERTY.—

(1) IN GENERAL.—Section 4(d) of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note)—

(A) is redesignated and moved so as to appear as subsection (e) of section 4 of the Coastal Barrier Resources Act (16 U.S.C. 3503); and

(B) is amended—

(i) in paragraph (1) by striking “one hundred and eighty” and inserting “180”;

(ii) in paragraph (2) by striking “subsection (d)(1)” and inserting “paragraph (1)”;

(iii) by striking paragraph (3).

(2) CONFORMING AMENDMENT.—Section 4(f) of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note) is repealed.

(c) NOTICE REGARDING ADDITIONS TO SYSTEM.—Section 4 of the Coastal Barrier Resources Act (16 U.S.C. 3503) is further amended by adding at the end the following:

“(f) NOTICE REGARDING ADDITIONS TO SYSTEM.—The Secretary shall—

“(1) publish in the Federal Register a notice of any addition of property to the System under this section, including notice of the availability of a map showing the location of the property;

“(2) provide a copy of that map to the State and local government in which the property is located and the Committee on Resources of the House of Representatives; and

“(3) revise the maps referred to in subsection (a) to reflect the addition of the property to the System.”.

(d) CONFORMING AMENDMENT.—Subsection (a) of section 4 of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)) is amended by striking “, which shall consist of” and all that follows through the end of that subsection and inserting the following: “, that—

“(1) shall consist of those undeveloped coastal barriers and other areas located on the coasts of the United States that are identified and generally depicted on the set of maps on file with the Secretary entitled ‘Coastal Barrier Resources System’, dated October 24, 1990, as such maps may be modified, revised, corrected, or replaced under subsection (c), (d), or (e) of this section, or any other provision of law enacted on or after November 2, 1990, that specifically authorizes the modification, revision, correction, or replacement; and

“(2) includes areas added to the System in accordance with subsections (d) or (e).”.

SEC. 3. CLERICAL AMENDMENTS.

(a) COASTAL BARRIER RESOURCES ACT.—The Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.) is amended—

(1) in section 3(3) (16 U.S.C. 3502(3)), in the matter following subparagraph (D), by striking “Effective October 1, 1983, such” and inserting “Such”; and

(2) by repealing sections 10 and 11 (16 U.S.C. 3509, 97 Stat. 1658).

(b) COASTAL BARRIER IMPROVEMENT ACT OF 1990.—Section 8 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note) is repealed.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

Section 12 of the Coastal Barrier Resources Act (16 U.S.C. 3510) is redesignated as section 10 and amended to read as follows:

“SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to the Secretary to carry out this Act \$1,000,000 for each of fiscal years 2000, 2001, 2002, 2003, and 2004.”.

SEC. 5. DIGITAL MAPPING PILOT PROJECT.

(a) REQUIREMENT TO UNDERTAKE PROJECT.—

(1) IN GENERAL.—The Secretary of the Interior, in consultation with the Director of the Federal Emergency Management Agency, shall undertake a pilot project to determine the feasibility and cost of creating digital versions of the Coastal Barrier Resources System maps referred to in section 4(a)(1) of the Coastal Barrier Resources Act, as amended by this Act. The pilot project shall include the creation of digital maps for at least 5 units of the System.

(2) USE OF EXISTING DATA.—(A) To the extent practicable, in completing the pilot project under this subsection, the Secretary shall use existing digital spatial data including digital orthophotos; shoreline, elevation, and bathymetric data; and electronic navigational charts in the possession of other Federal agencies, including the United States Geological Survey and the National Oceanic and Atmospheric Administration.

(B) The head of any Federal agency that possesses digital spatial data referred to in subparagraph (A) shall promptly provide that data to the Secretary at no cost upon request by the Secretary.

(3) OBTAINING ADDITIONAL DATA.—If the Secretary determines that data necessary to complete the pilot project under this subsection does not exist, the Secretary shall enter into an agreement with the Director of the United States Geological Survey under which the Director shall obtain, in cooperation with other Federal agencies, as appropriate, and provide to the Secretary any digital spatial data required to carry out this subsection.

(4) DATA STANDARDS.—All digital spatial data used or created to carry out this subsection shall comply with the National Spatial Data Infrastructure established by Executive Order 12906 and any other standards established by the Federal Geographic Data Committee established by the Office of Management and Budget Circular A-16.

(5) DIGITAL MAPS NOT CONTROLLING.—Any determination of whether a location is inside or outside of the System shall be made without regard to the digital maps prepared under this subsection.

(6) REPORT.—(A) Not later than 2 years after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Resources of the House of Representatives that describes the results of the pilot project and the feasibility, data needs, and costs of completing digital maps for the entire System.

(B) The report shall include a description of—

(i) the cooperative agreements entered into by the Secretary with other Federal agencies to complete the pilot project and cooperative agreements needed to complete digital mapping of the entire System;

(ii) the availability of existing data to complete digital mapping of the entire System;

(iii) the need for additional data to complete digital mapping of the entire System; and

(iv) the funding needed to complete digital mapping of the entire System.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the Interior \$500,000 for each of fiscal years 2000, 2001, and 2002 to carry out the pilot project required under this section.

SEC. 6. CORRECTIONS TO MAPS RELATING TO UNIT P19-P.

(a) IN GENERAL.—The Secretary of the Interior shall, before the end of the 30-day period beginning on the date of the enactment of this Act, make such corrections to the map described in subsection (b) as are necessary to ensure that depictions of areas on that map are consistent with the depictions of areas appearing on the map relating to unit P19-P entitled “Amendment to the Coastal Barrier Resources System” and dated September 16, 1998.

(b) MAP DESCRIBED.—The map described in this subsection is the map that—

(1) is included in a set of maps entitled “Coastal Barrier Resources System”, dated November 2, 1994; and

(2) relates to unit P19-P of the Coastal Barrier Resources System.

SEC. 7. REPLACEMENT OF MAPS RELATING TO UNITS NC-03P AND L03.

(a) IN GENERAL.—The 7 maps included in the set of maps entitled “Coastal Barrier Resources System” and referred to in section 4(a)(1) of the Coastal Barrier Resources Act, as amended by this Act, relating to the portions of Coastal Barrier Resources System units NC-03P and L03 located in Dare County, North Carolina, are hereby replaced by other maps relating to that unit that are entitled “DARE COUNTY, NORTH CAROLINA, Coastal Barrier Resources System, Cape Hatteras Unit NC-03P” and “DARE COUNTY, NORTH CAROLINA, Coastal Barrier Resources System, Cape Hatteras Unit NC-03P and Hatteras Island Unit L03” and dated May 26, 1999.

(b) AVAILABILITY.—The Secretary of the Interior shall keep the maps referred to in subsection (a) on file and available for inspection in accordance with the provisions of section 4(b) of the Coastal Barrier Resources Act (16 U.S.C. 3503(b)).

SEC. 8. CORRECTIONS TO MAP RELATING TO UNIT DE-03P.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of the Interior shall make such corrections to the map described in subsection (b) as are necessary to move on that map the boundary of the otherwise protected area (as defined in section 12 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note; Public Law 101-591)) to the Cape Henlopen State Park boundary to the extent necessary—

(1) to exclude from the otherwise protected area the adjacent property leased, as of the date of enactment of this Act, by the Barcroft Company and Cape Shores Associates (which are privately held corporations under the law of the State of Delaware); and

(2) to include in the otherwise protected area the northwestern corner of Cape Henlopen State Park seaward of the Lewes and Rehoboth Canal.

(b) MAP DESCRIBED.—The map described in this subsection is the map that is included in a set of maps entitled “Coastal Barrier Resources System”, dated October 24, 1990, as revised October 15, 1992, and that relates to the unit of the Coastal Barrier Resources System entitled “Cape Henlopen Unit DE-03P”.

PURPOSE OF THE BILL

The purpose of H.R. 1431 is to reauthorize and amend the Coastal Barrier Resources Act.

BACKGROUND AND NEED FOR LEGISLATION

In 1981, the Omnibus Budget Reconciliation Act amended the National Flood Insurance Act of 1968 (Title XIII of Public Law 90-448) to prohibit the issuance of new federal flood insurance after October 1, 1983, “for any new construction or for substantial improvements of structures located on undeveloped coastal barriers.” This legislation directed the Secretary of the Interior to designate coastal barriers under the definition contained in the Omnibus Budget Act and to make recommendations to Congress for the inclusion of additional areas. Acting on the Secretary’s recommendations, Congress passed the Coastal Barrier Resources Act (CBRA, Public Law 97-348, codified at 16 U.S.C. 3501 et seq.) in the fall of 1982.

CBRA established the Coastal Barrier Resource System, consisting initially of 186 units totaling 666 miles of shoreline and 452,834 acres of undeveloped, unprotected coastal barriers on the Atlantic Ocean and Gulf of Mexico coasts. System units are marked on maps prepared and maintained by the Department of the Interior. These maps are incorporated by reference into law by Congress. Except for very minor technical changes, the boundaries of System units cannot be adjusted, and units cannot be added or deleted from the System, unless Congress enacts revisions to the appropriate map.

The purpose of CBRA was to eliminate federal development incentives on undeveloped coastal barriers, thereby preventing the loss of human life and property from storms, minimizing federal expenditures, and protecting habitat for fish and wildlife. Coastal barriers are landscape features that protect the mainland, lagoons, wetlands and salt marshes from the full force of wind, wave and tidal energy. The major types of coastal barriers include fringing mangroves, tombolos, barrier islands, barrier spits, and bay barriers. Composed of sand and other loose sediments, these elongated, narrow landforms are dynamic ecosystems and are vulnerable to hurricane damage and shoreline recession. Coastal barriers also provide important habitat for a variety of wildlife, and are an important recreational resource.

The Coastal Barrier Resources System is unique because it protects coastal barriers without restricting the use of private property. Inclusion of property in the System does not prevent private development of that property, nor does it prevent actions to process

and issue federal permits necessary for development. CBRA places no restrictions on development outside the System, and development within System units can occur without federal support. However, CBRA does restrict the availability of any new federal assistance to develop the property. Of particular importance, no new federal flood insurance can be issued for properties located on System units. Existing flood insurance policies for property currently within the System remain in force. However, if the property is damaged, it cannot be rebuilt with federal flood assistance if the cost of rebuilding is more than 50 percent of the value of the property. Insured properties outside the System can be rebuilt even if the entire property is destroyed. If an insured structure in the System is substantially expanded or replaced with more development, coverage is lost.

In addition to the flood insurance limitation, CBRA prohibits most new federal expenditures and financial assistance within the System if those expenditures would encourage development. Examples of prohibited federal expenditures include disaster relief, community block grants, flood control, construction of new federal highways, construction of new infrastructure, and beach renourishment projects. For purposes of CBRA, federal financial assistance does not include deposit insurance, purchase of mortgages by government chartered corporations and programs unrelated to development, such as entitlement payments to individuals. Other exceptions are provided for federal navigation projects, energy resource projects, repair of existing infrastructure and roads, military and Coast Guard activities, and scientific research when these activities are consistent with CBRA purposes.

Following enactment of CBRA, Congress passed the Great Lakes Coastal Barrier Act (Public Law 100-707), which required the Secretary of the Interior to identify additional System units along the Great Lakes. The Secretary identified and recommended for inclusion in the System 112 Great Lakes units totaling 30,150 acres. In 1990, Congress enacted the Coastal Barrier Improvement Act (Public Law 101-591) which greatly expanded the System to include Great Lakes units and "otherwise protected areas." Otherwise protected areas are public or private lands that are held for conservation purposes. Examples of otherwise protected areas include national wildlife refuges, national parks and seashores, state parks, and lands owned by private organizations for conservation purposes. In most cases, the boundaries of the otherwise protected areas included in the System were drawn to be coterminous with the underlying conservation area, but some errors and inconsistencies have been discovered. This has resulted in a need for Congressional action to correct the otherwise protected area maps to remove property that was included in error.

After of the Coastal Barrier Improvement Act in 1990, the System contained approximately 1.3 million acres of undeveloped coastal barrier fastland (upland) and associated aquatic habitat, 1,200 miles of coastline, and 585 units. The Coastal Barrier Improvement Act also required the Secretary to prepare a report on Pacific Coast coastal barriers. This report has never been submitted to the Congress, and no Pacific coast barrier units have been included in the System.

The authorization of appropriations for CBRA expired on September 30, 1998.

COMMITTEE ACTION

H.R. 1431 was introduced on April 15, 1999, by Congressman Jim Saxton (R-NJ). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Fisheries Conservation, Wildlife and Oceans. On May 6, 1999, the Subcommittee held a hearing on H.R. 1431. Testimony was heard from the Honorable Thomas Evans; Mr. Gary Frazier, Acting Assistant Director of the Fish and Wildlife Service; Ms. Jo Ann Howard, Administrator of the Federal Insurance Administration; and Mr. Steven Ellis of the Coast Alliance. The Administration testified in support of the three map changes, and indicated general support of H.R. 1431 pending resolution of several issues. On May 27, 1999, the Subcommittee met to mark up the bill. Mr. Saxton offered an amendment in the nature of a substitute that addressed many of the Administration's outstanding concerns and incorporated the text of three related bills, H.R. 34, H.R. 535, and H.R. 1489, into H.R. 1431. The amendment was adopted by voice vote. The bill, as amended, was then ordered favorably reported to the Full Committee. On June 9, 1999, the Full Resources Committee met to consider the bill. Mr. Saxton offered an en bloc amendment that eliminated two studies relating to otherwise protected areas and System effectiveness, and reduced funding for the remaining study to \$500,000. The amendment was adopted by voice vote. The bill, as amended, was then ordered favorably reported to the House of Representatives by voice vote.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

The short title of this bill is the "Coastal Barrier Resources Reauthorization Act of 1999."

Section 2. Additions to the Coastal Barrier Resources System

By amending CBRA Section 4, this section allows the Secretary of the Interior to add any coastal barrier land to the System at the request of a landowner, provided that the parcel is located on a "depositional geologic feature" as defined in Section 2(1)(A) of CBRA. The Secretary is required to provide notice of the addition of such property in the Federal Register and publish a map showing the location of property voluntarily included in the System. The Secretary must provide copies of the map to the House Committee on Resources and to applicable State and local governments.

This section also incorporates Section 4(d) of the 1990 Coastal Barrier Improvement Act as part of CBRA. This move consolidates into a single section the three ways the Secretary may change unit boundaries and add property to the System, and unifies the notification and reporting requirements for making those types of changes.

Section 3. Clerical amendments

This section strikes existing provisions related to previously requested studies and reports. Section 10 of CBRA (16 U.S.C. 3509) requires the Secretary to prepare a report by 1985 that makes recommendations on additions to the System. The report was submitted and the recommendations were largely adopted in the 1988 Great Lakes Coastal Barrier Act and the 1990 Coastal Barrier Improvement Act. Section 8 of the Coastal Barrier Improvement Act (16 U.S.C. 3503 (note)) established the Coastal Barrier Task Force, to report to Congress by 1992 on the impact of federal actions and tax laws on the development of coastal barriers, the number of structures denied federal flood insurance as a result of the System, and the number of structures included in the System as a result of the Coastal Barrier Improvement Act. Congress did not appropriate any funds for the Task Force and the Task Force was never formed.

Section 4. Authorization of appropriations

This section amends Section 12 of CBRA to authorize \$1 million to administer the Coastal Barrier Resources System in each of fiscal years 2000 through 2004.

Section 5. Digital mapping pilot project

Within two years, the Secretary is required to complete a pilot project that will create electronic maps of five System units that are compatible with geographic information systems. The Secretary must use existing digital geographic data wherever possible and must work with the Director of the Federal Emergency Management Agency, the Secretary of Commerce (acting through the National Oceanic and Atmospheric Administration) and the Director of the United States Geological Survey to carry out the pilot project. At the end of the pilot project, the Secretary must report on the progress made in digitizing the maps, cooperative agreements with other federal agencies, the need for additional data, and cost estimates for completing digital maps of the entire system. This section authorizes \$500,000 for each of fiscal years 2000, 2001 and 2002 to complete the pilot project.

Section 6. Corrections to maps relating to unit P19-P

This section incorporates the text of H.R. 34, introduced by Congressman Porter Goss (R-FL), on January 6, 1999. It amends the boundary of Unit P19-P which is located on North Captiva Island, Florida. Unit P19-P was created in 1990 as a result of recommendations from the Secretary of the Interior, and the boundaries for unit P-19P were intended to be coterminous with Cayo Costa State Park. The boundary line adopted by Congress did not correctly show the boundary of the State Park. This otherwise protected area includes privately owned property that was already being developed at the time the maps were adopted and thus was not eligible for designation. This section directs the Secretary to conform the boundary of the unit P-19P on the map entitled "Amendment to the Coastal Barrier Resources System" and dated September 16, 1998, to the Cayo Costa State Park boundary.

Section 7. Replacement of maps relating to units NC-03P and L03

Section 7 incorporates the changes proposed in H.R. 1489, introduced by Congressman Walter B. Jones, Jr. (R-NC) on April 20, 1999, to correct a mapping error in unit NC-03P, an otherwise protected area representing the Cape Hatteras National Seashore. No changes are proposed to the boundary of unit L03, but because this unit appears on the same maps as portions of NC-03P, it is referenced with these maps. Private developed property on Hatteras Island in North Carolina was incorrectly labeled as part of the otherwise protected area. H.R. 1431 adopts a set of 33 maps at a scale of 1 inch equals 500 feet (1:6000) dated May 26, 1999, to replace the existing maps of this large otherwise protected area.

The Secretary of the Interior intends to maintain the geographic information system used to generate these maps as part of the administrative record. Existing structures, homes and other development that appear outside of the boundary on the May 26, 1999, maps should be considered outside of the otherwise protected area for the purposes of development assistance. Any new development that occurs on the island after the date of enactment of H.R. 1431 must be wholly outside of the boundary of unit NC-03P to remain eligible for federal development assistance, including federal flood insurance.

Section 8. Corrections to map relating to unit DE-03P

Section 8 incorporates changes to the System proposed in H.R. 535, which was introduced by Congressman Mike Castle (R-DE) on February 3, 1999. This section directs the Secretary to make a boundary change to unit DE-03P, an otherwise protected area that has been part of the System since the passage of the 1990 Coastal Barrier Improvement Act. The unit is located in Delaware on Cape Henlopen and was intended to be contiguous with the Cape Henlopen State Park boundary. At the time the map was prepared, the Secretary of the Interior was not aware that the unit included private property that was not held for conservation purposes. This section also directs the Secretary to include a 245-acre parcel in the northwestern section of the Park into DE-03P. This parcel was mistakenly excluded when the boundary was drawn in 1990. This change results in a net gain of 213 acres to the System.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 and Article IV, section 3 of the Constitution of the United States grant Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation.—Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a compari-

son by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. *Congressional Budget Act.*—As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in tax expenditures. According to the Congressional Budget Office, enactment of this bill could result in small, additional offsetting receipts to the federal government from premiums paid into the National Flood Insurance fund. These collections would be partially offset by new mandatory spending for underwriting and administrative expenses.

3. *Government Reform Oversight Findings.*—Under clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform on this bill.

4. *Congressional Budget Office Cost Estimate.*—Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 22, 1999.

Hon. DON YOUNG,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1431, the Coastal Barrier Resources Reauthorization Act of 1999.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

H.R. 1431—Coastal Barrier Resources Reauthorization Act of 1999

Summary: Assuming appropriation of the authorized amounts, CBO estimates that the implementing H.R. 1431 would cost \$6.5 million over the 2000–2004 period. The bill also could affect direct spending; therefore, pay-as-you-go procedures would apply. We estimate, however, that any such effects would be less than \$500,000 a year.

H.R. 1431 would reauthorize the Coastal Barrier Resources Act and would authorize the appropriation of \$1 million annually for programs carried out under the legislation for fiscal years 2000 through 2004. Section 5 of the bill would direct the U.S. Fish and

Wildlife Service (USFWS) to undertake a pilot project to determine the feasibility and cost of creating digital versions of maps of the Coastal Barrier Resources System. The agency would have two years to report its findings to the Congress. For this purpose, section 5 would authorize the appropriation of \$500,000 annually for fiscal years 2000, 2001, and 2002. H.R. 1431 also would direct the USFWS to correct or modify existing maps for three units of the Coastal Barrier Resources System in Delaware, Florida, and North Carolina.

The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: CBO estimates that implementing H.R. 1431 would cost \$1.5 million a year for 2000, 2001, and 2002; and \$1 million a year for 2003 and 2004. (The program received an appropriation of \$488,000 for 1999.) The costs of this legislation fall within budget function 300 (natural resources and environment).

Basis of estimate: For purposes of this estimate, CBO assumes that the full amounts authorized for managing the Coastal Barrier Resources System and conducting the pilot program on digital mapping will be appropriated for each fiscal year.

H.R. 1431 could affect direct spending by altering the existing boundaries of three system units to exclude developed lands, thereby enabling the property owners to obtain federal flood insurance. Once insurance policies have been written on the affected properties, offsetting collections from premiums paid into the national flood insurance fund would increase by less than \$500,000 a year. Collections would be partially offset by new mandatory spending for underwriting and administrative expenses. The federal government might also incur additional costs for losses associated with any future floods that might affect the excluded lands, but CBO has no basis for predicting such floods or their resulting costs.

Pay-as-you-go considerations: The Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. H.R. 1431 could affect direct spending but CBO estimates that net changes in direct spending would be less than \$500,000 a year.

Intergovernmental and private-sector impact: H.R. 1431 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Estimate prepared by: Deborah Reis.

Estimate approved by: Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

COASTAL BARRIER RESOURCES ACT

* * * * *

SEC. 3. DEFINITIONS.

* * * * *

For purposes of this Act—

(1) * * *

* * * * *

[Effective October 1, 1983, such] *Such* term includes flood insurance described in section 1321 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4028).

* * * * *

SEC. 4. ESTABLISHMENT OF COASTAL BARRIER RESOURCES SYSTEM.

(a) **ESTABLISHMENT.**—There is established the Coastal Barrier Resources System, **[**which shall consist of those undeveloped coastal barriers and other areas located on the coasts of the United States that are identified and generally depicted on the maps on file with the Secretary entitled “Coastal Barrier Resources System”, dated October 24, 1990, as such maps may be revised by the Secretary under section 4 of the Coastal Barrier Improvement Act of 1990.**]** *that—*

(1) *shall consist of those undeveloped coastal barriers and other areas located on the coasts of the United States that are identified and generally depicted on the set of maps on file with the Secretary entitled “Coastal Barrier Resources System”, dated October 24, 1990, as such maps may be modified, revised, corrected, or replaced under subsection (c), (d), or (e) of this section, or any other provision of law enacted on or after November 2, 1990, that specifically authorizes the modification, revision, correction, or replacement; and*

(2) *includes areas added to the System in accordance with subsections (d) or (e).*

* * * * *

(d) **VOLUNTARY ADDITIONS TO SYSTEM.**—*The Secretary may add any parcel of real property to the System, if—*

(1) *the owner of the parcel requests that the Secretary add the parcel to the System; and*

(2) *the parcel is a depositional geologic feature described in section 3(1)(A).*

(e) **ADDITION OF EXCESS FEDERAL PROPERTY.**—

(1) **CONSULTATION AND DETERMINATION.**—*Prior to transfer or disposal of excess property under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) that may be an undeveloped coastal barrier, the Administrator of*

General Services shall consult with and obtain from the Secretary a determination as to whether and what portion of the property constitutes an undeveloped coastal barrier. Not later than 180 days after the initiation of such consultation, the Secretary shall make and publish notice of such determination. Immediately upon issuance of a positive determination, the Secretary shall—

(A) prepare a map depicting the undeveloped coastal barrier portion of such property; and

(B) shall publish in the Federal Register notice of the addition of such property to the System.

(2) EFFECTIVE DATE OF INCLUSION.—An area to be added to the System under this subsection shall be part of the System effective on the date on which the Secretary publishes notice in the Federal Register under paragraph (1)(B) with respect to that area.

(f) NOTICE REGARDING ADDITIONS TO SYSTEM.—The Secretary shall—

(1) publish in the Federal Register a notice of any addition of property to the System under this section, including notice of the availability of a map showing the location of the property;

(2) provide a copy of that map to the State and local government in which the property is located and the Committee on Resources of the House of Representatives; and

(3) revise the maps referred to in subsection (a) to reflect the addition of the property to the System.

* * * * *

[SEC. 10. REPORTS TO CONGRESS.

[(a) IN GENERAL.—Before the close of the 3-year period beginning on the date of the enactment of this Act, the Secretary shall prepare and submit to the Committees a report regarding the System.

[(b) CONSULTATION IN PREPARING REPORT.—The Secretary shall prepare the report required under subsection (a) in consultation with the Governors of the States in which System units are located and with the coastal zone management agencies of the States in which System units are located and after providing opportunity for, and considering, public comment.

[(c) REPORT CONTENT.—The report required under subsection (a) shall contain—

[(1) recommendations for the conservation of the fish, wildlife, and other natural resources of the System based on an evaluation and comparison of all management alternatives, and combinations thereof, such as State and local actions (including management plans approved under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.)), Federal actions (including acquisition for administration as part of the National Wildlife Refuge System), and initiatives by private organizations and individuals;

[(2) recommendations for additions to, or deletions from, the Coastal Barrier Resources System, and for modifications to the boundaries of System units;

[(3) a summary of the comments received from the Governors of the States, State coastal zone management agencies, other government officials, and the public regarding the System; and

[(4) an analysis of the effect, if any, that general revenue sharing grants made under section 102 of the State and Local Fiscal Assistance Amendments of 1972 (31 U.S.C. 1221) have had on undeveloped coastal barriers.

[SEC. 11. AMENDMENTS REGARDING FLOOD INSURANCE.

[(a) Section 1321 of the National Flood Insurance Act of 1968 (42 U.S.C. 4028) is amended to read as follows:]

* * * * *

[(b) Section 341(d)(2) of the Omnibus Budget and Reconciliation Act of 1981 (Public Law 97-35) is repealed.

[SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

[There are authorized to be appropriated to the Secretary for carrying out this Act \$2,000,000 for each of fiscal years 1995 to 1998.]

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary to carry out this Act \$1,000,000 for each of fiscal years 2000, 2001, 2002, 2003, and 2004.

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COASTAL BARRIER IMPROVEMENT ACT OF 1990

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SEC. 4. ESTABLISHMENT OF COASTAL BARRIER RESOURCES SYSTEM.

(a) * * *

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[(d) ADDITION OF EXCESS FEDERAL PROPERTY.—

[(1) CONSULTATION AND DETERMINATION.—Prior to transfer or disposal of excess property under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) that may be an undeveloped coastal barrier, the Administrator of General Services shall consult with and obtain from the Secretary a determination as to whether and what portion of the property constitutes an undeveloped coastal barrier. Not later than one hundred and eighty days after the initiation of such consultation, the Secretary shall make and publish notice of such determination. Immediately upon issuance of a positive determination, the Secretary shall—

[(A) prepare a map depicting the undeveloped coastal barrier portion of such property; and

[(B) shall publish in the Federal Register notice of the addition of such property to the System.

[(2) EFFECTIVE DATE OF INCLUSION.—An area to be added to the System under this subsection shall be part of the System effective on the date on which the Secretary publishes notice

in the Federal Register under subsection (d)(1)(B) with respect to that area.

[(3) REVISION OF MAPS.—As soon as practicable after the date on which a unit is added to the System under subsection (d)(2), the Secretary shall revise the maps referred to in section 4(a) of the Act (as amended by section 3 of this Act) to reflect each such addition.]

* * * * *

[(f) NOTIFICATION REGARDING MODIFICATIONS AND ELECTIONS.—Not less than 30 days before the effective date of any modification of the boundaries of a unit of the System under subsection (d)(1)(A), or of an election of a local government, Governor of a State, or qualified organization to add an area of qualified coastal barrier to the System pursuant to subsection (c) or of an addition to the System pursuant to subsection (d), the Secretary shall submit written notice of such modification or election to—

[(1) the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Environment and Public Works of the Senate; and

[(2) appropriate State and Federal officials.]

* * * * *

[SEC. 8. REPORT REGARDING COASTAL BARRIER MANAGEMENT.

[(a) COASTAL BARRIERS TASK FORCE.—

[(1) ESTABLISHMENT.—There is established an interagency task force to be known as the Coastal Barriers Task Force (hereinafter in this section referred to as the “Task Force”).

[(2) MEMBERSHIP.—The Task Force shall be composed of 11 individuals as follows:

[(A) A designee of the Secretary of Agriculture.

[(B) A designee of the Secretary of Commerce.

[(C) A designee of the Secretary of Defense.

[(D) A designee of the Secretary of Energy.

[(E) A designee of the Secretary of Housing and Urban Development.

[(F) A designee of the Secretary of the Interior.

[(G) A designee of the Secretary of Transportation.

[(H) A designee of the Secretary of the Treasury, who shall represent the Internal Revenue Service.

[(I) A designee of the Administrator of the Environmental Protection Agency.

[(J) A designee of the Director of the Federal Emergency Management Agency.

[(K) A designee of the Administrator of the Small Business Administration.

[(3) CHAIRPERSON.—The chairperson of the Task Force shall be the designee of the Secretary of the Interior.

[(b) REPORT.—

[(1) IN GENERAL.—Not later than the expiration of the 2-year period beginning on the date of the enactment of this Act, the Task Force shall submit to the Congress a report regarding the Coastal Barrier Resources System.

[(2) CONTENTS.—The report required under paragraph (1) shall include the following:

【(A) An analysis of the effects of any regulatory activities of the Federal Government on development within units of the System, for the period from 1975 to 1990.

【(B) An analysis of the direct and secondary impacts of tax policies of the Federal Government on development (including development of second home and investment properties) within units of the System, for the period from 1975 to 1990.

【(C) An estimate and comparison of the costs to the Federal Government with respect to developed coastal barriers on which are located units of the System, for the period from 1975 to 1990, which shall include costs of shore protection activities, beach renourishment activities, evacuation services, disaster assistance, and flood insurance subsidies under the national flood insurance program.

【(D) A determination of the number of structures for which flood insurance under the national flood insurance program has been unavailable since the enactment of the National Flood Insurance Act of 1968 because of the prohibition, under section 1321 of such Act, of the provision of insurance for structures located on coastal barriers within the System.

【(E) An estimate of the number of existing structures located on coastal barriers that are included within the System because of the expansion of the System under this Act and the amendments made by this Act.

【(F) A summary of the opinions and comments expressed pursuant to paragraph (3).

【(G) Recommendations for Federal policies and legislative action with respect to developed and undeveloped coastal barriers to promote the protection of coastal barriers and minimize activities of the Federal Government that contribute to the destruction and degradation of coastal barriers.

【(3) HEARINGS.—In carrying out its responsibilities under this subsection, the Task Force shall hold hearings to provide opportunity for State and local governments and members of the public to express their opinions and comment on Federal policy regarding coastal barriers.

【(c) TERMINATION.—The Task Force shall terminate 90 days after submission of the report required under subsection (b)(1).】

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ADDITIONAL VIEWS

We support the principal goal of this legislation which is to reauthorize the Coastal Barrier Resources Act (CBRA). When Congress passed the Act in 1982, it declared that the purpose of the Act was to “minimize loss of life, wasteful expenditure of Federal revenues, and the damage to fish, wildlife, and other natural resources associated with [the] coastal barriers * * * by restricting future Federal expenditures and financial assistance which have the effect of encouraging development of coastal barriers.” This innovative policy was sound in 1982 and requires little, if any, modification by Congress at this time. This opinion was the clear consensus among the panel of witnesses who testified on May 6, 1999 before the Subcommittee on Fisheries Conservation, Wildlife and Oceans concerning this legislation.

Of the modest changes proposed in this bill, we especially support section 5 which would direct the Secretary of the Interior to conduct a pilot study in consultation with other relevant Federal agencies to determine the feasibility and costs of creating a digitized series of Coastal Barrier Resource System (CBRS or System) maps. It is necessary to initiate such a study at this time. Current CBRS maps were prepared in the mid-1980s by using primarily color infrared aerial photography, U.S. Fish and Wildlife Service (hereafter, the Service) National Wetland Inventory maps, and U.S. Geological Survey 7.5' quadrangle sheets, normally drawn at 1:24,000 or 1:25,000 scales. hand rendered delineations of coastal barriers were drawn upon these sheets in order to produce the current inventory of CBRS maps.

However, since the time when these maps were first developed, several significant technological advancements have occurred in the development of digital spatial data, global positioning systems, computerized geographic information systems and new cartographic and survey methods. Moreover, complaints concerning CBRS maps are commonplace principally because the maps are difficult to interpret due to scale, and poorly correspond to other types of map products, notably Flood Insurance Rate Maps. In this regard, it would appear not only appropriate, but essential, for the Secretary to investigate how the application of these new information systems and technologies might enhance the accuracy, usability, and transferability of the rather crude existing CBRS maps.

We also support section 2 of the bill which would authorize the voluntary donation of private property for inclusion in the System. While we believe that the inclusion of additional private undeveloped coastal barriers would be beneficial, we doubt that significant tracts of additional private land will be forthcoming for voluntary donation in the absence of any new economic or tax incentives to induce such behavior. Nonetheless, should opportunities for dona-

tions become available, the Secretary of the Interior should as a priority accept donations that abut existing System units or OPAs, and should encourage wherever possible the aggregation of donated parcels to minimize CBRS map boundary revisions. This committee should re-evaluate this provision to determine its effectiveness at some future point.

In another important matter regarding expansion of the System, we must express our deep frustration with the inability of the Service to complete and submit to the Congress a study of undeveloped coastal barriers along the Pacific coast. The Secretary of the Interior was directed under section 6 of the Coastal Barrier Improvement Act (CBIA, PL 101-591) to prepare and submit within 6 months after date of enactment a study "which examines the need for protecting undeveloped coastal barriers along the Pacific coast south of 49 degrees north latitude through inclusion in the System." The Secretary also was directed to "prepare maps identifying the boundaries of those undeveloped coastal barriers (as defined under section 3(1) of the CBRA) of the United States bordering the Pacific Ocean south of 49 degrees north latitude." These maps were to be provided to the Congress not later than 12 months after date of enactment.

Although a draft study was made available for public review in 1993, the Secretary has failed to provide Congress with either a final report or the maps. This 8 year delay is completely unacceptable. We are greatly concerned that the pace and growth of new development along the Pacific coast may have significantly reduced the number of coastal areas that meet the section 3(1) definition of "undeveloped coastal barrier." We urge the Secretary to complete this directive at the earliest possible date.

While we support the reauthorization of CBRA, we remain concerned that the majority has decided to include language from three other separate bills (H.R. 34, H.R. 1489, and H.R. 535) as sections 6, 7 and 8, respectively, that would change existing boundaries for three different OPAs in Florida, North Carolina and Delaware. Legislation of this type deserves close inspection prior to Congressional approval. It is our view that additional information is necessary from the Fish and Wildlife Service concerning the Cape Hatteras National Seashore area and our preference that these matters be addressed in separate legislation.

GEORGE E. MILLER.
GRACE F. NAPOLITANO.
CARLOS ROMERO-BARCELÓ
ENI FALEOMAVAEGA.
RUSH HOLT.

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