

DIGITAL COAST ACT

NOVEMBER 26, 2019.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. GRIJALVA, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 2189]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 2189) to require the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, to establish a constituent-driven program to provide a digital information platform capable of efficiently integrating coastal data with decision-support tools, training, and best practices and to support collection of priority coastal geospatial data to inform and improve local, State, regional, and Federal capacities to manage the coastal region, and for other purposes, 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 all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Digital Coast Act”.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The Digital Coast is a model approach for effective Federal partnerships with State and local government, nongovernmental organizations, and the private sector.

(2) Access to current, accurate, uniform, and standards-based geospatial information, tools, and training to characterize the United States coastal region is critical for public safety and for the environment, infrastructure, and economy of the United States.

(3) More than half of all people of the United States (153,000,000) currently live on or near a coast and an additional 12,000,000 are expected in the next decade.

(4) Coastal counties in the United States average 300 persons per square mile, compared with the national average of 98.

(5) On a typical day, more than 1,540 permits for construction of single-family homes are issued in coastal counties, combined with other commercial, retail, and institutional construction to support this population.

(6) Over half of the economic productivity of the United States is located within coastal regions.

(7) Highly accurate, high-resolution remote sensing and other geospatial data play an increasingly important role in decision making and management of the coastal zone and economy, including for—

- (A) flood and coastal storm surge prediction;
- (B) hazard risk and vulnerability assessment;
- (C) emergency response and recovery planning;
- (D) community resilience to longer range coastal change;
- (E) local planning and permitting;
- (F) habitat and ecosystem health assessments; and
- (G) landscape change detection.

SEC. 3. DEFINITIONS.

In this Act:

(1) **COASTAL REGION.**—The term “coastal region” means the area of United States waters extending inland from the shoreline to include coastal watersheds and seaward to the territorial sea.

(2) **COASTAL STATE.**—The term “coastal State” has the meaning given the term “coastal state” in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453).

(3) **FEDERAL GEOGRAPHIC DATA COMMITTEE.**—The term “Federal Geographic Data Committee” means the interagency committee that promotes the coordinated development, use, sharing, and dissemination of geospatial data on a national basis.

(4) **REMOTE SENSING AND OTHER GEOSPATIAL.**—The term “remote sensing and other geospatial” means collecting, storing, retrieving, or disseminating graphical or digital data depicting natural or manmade physical features, phenomena, or boundaries of the Earth and any information related thereto, including surveys, maps, charts, satellite and airborne remote sensing data, images, LiDAR, and services performed by professionals such as surveyors, photogrammetrists, hydrographers, geodesists, cartographers, and other such services.

(5) **SECRETARY.**—The term “Secretary” means the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration.

SEC. 4. ESTABLISHMENT OF THE DIGITAL COAST.

(a) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—The Secretary shall establish a program for the provision of an enabling platform that integrates geospatial data, decision-support tools, training, and best practices to address coastal management issues and needs. Under the program, the Secretary shall strive to enhance resilient communities, ecosystem values, and coastal economic growth and development by helping communities address their issues, needs, and challenges through cost-effective and participatory solutions.

(2) **DESIGNATION.**—The program established under paragraph (1) shall be known as the “Digital Coast” (in this section referred to as the “program”).

(b) **PROGRAM REQUIREMENTS.**—In carrying out the program, the Secretary shall ensure that the program provides data integration, tool development, training, documentation, dissemination, and archiving by—

(1) making data and resulting integrated products developed under this section readily accessible via the Digital Coast Internet website of the National Oceanic and Atmospheric Administration, the GeoPlatform.gov and data.gov Internet websites, and such other information distribution technologies as the Secretary considers appropriate;

(2) developing decision-support tools that use and display resulting integrated data and provide training on use of such tools;

(3) documenting such data to Federal Geographic Data Committee standards; and

(4) archiving all raw data acquired under this Act at the appropriate National Oceanic and Atmospheric Administration data center or such other Federal data center as the Secretary considers appropriate.

(c) **COORDINATION.**—The Secretary shall coordinate the activities carried out under the program to optimize data collection, sharing and integration, and to minimize duplication by—

(1) consulting with coastal managers and decision makers concerning coastal issues, and sharing information and best practices, as the Secretary considers appropriate, with—

- (A) coastal States;
- (B) local governments; and
- (C) representatives of academia, the private sector, and nongovernmental organizations;

(2) consulting with other Federal agencies, including interagency committees, on relevant Federal activities, including activities carried out under the Ocean and Coastal Mapping Integration Act (33 U.S.C. 3501 et seq.), the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.), the Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3601 et seq.), and the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892 et seq.);

(3) participating, pursuant to section 216 of the E-Government Act of 2002 (Public Law 107-347; 44 U.S.C. 3501 note), in the establishment of such standards and common protocols as the Secretary considers necessary to assure the interoperability of remote sensing and other geospatial data with all users of such information within—

- (A) the National Oceanic and Atmospheric Administration;
- (B) other Federal agencies;
- (C) State and local government; and
- (D) the private sector;

(4) coordinating with, seeking assistance and cooperation of, and providing liaison to the Federal Geographic Data Committee pursuant to Office of Management and Budget Circular A-16 and Executive Order 12906 of April 11, 1994 (59 Fed. Reg. 17671), as amended by Executive Order 13286 of February 28, 2003 (68 Fed. Reg. 10619); and

(5) developing and maintaining a best practices document that sets out the best practices used by the Secretary in carrying out the program and providing such document to the United States Geological Survey, the Corps of Engineers, and other relevant Federal agencies.

(d) FILLING NEEDS AND GAPS.—In carrying out the program, the Secretary shall—

(1) maximize the use of remote sensing and other geospatial data collection activities conducted for other purposes and under other authorities;

(2) focus on filling data needs and gaps for coastal management issues, including with respect to areas that, as of the date of the enactment of this Act, were underserved by coastal data and the areas of the Arctic that are under the jurisdiction of the United States;

(3) pursuant to the Ocean and Coastal Mapping Integration Act (33 U.S.C. 3501 et seq.), support continue improvement in existing efforts to coordinate the acquisition and integration of key data sets needed for coastal management and other purposes, including—

- (A) coastal elevation data;
- (B) land use and land cover data;
- (C) socioeconomic and human use data;
- (D) critical infrastructure data;
- (E) structures data;
- (F) living resources and habitat data;
- (G) cadastral data; and
- (H) aerial imagery; and

(4) integrate the priority supporting data set forth under paragraph (3) with other available data for the benefit of the broadest measure of coastal resource management constituents and applications.

(e) FINANCIAL AGREEMENTS AND CONTRACTS.—

(1) IN GENERAL.—In carrying out the program, the Secretary—

(A) may enter into financial agreements to carry out the program, including—

(i) support to non-Federal entities that participate in implementing the program; and

(ii) grants, cooperative agreements, interagency agreements, contracts, or any other agreement on a reimbursable or non-reimbursable basis, with other Federal, tribal, State, and local governmental and nongovernmental entities; and

(B) may, to the maximum extent practicable, enter into such contracts with private sector entities for such products and services as the Secretary determines may be necessary to collect, process, and provide remote sensing and other geospatial data and products for purposes of the program.

(2) FEES.—

(A) ASSESSMENT AND COLLECTION.—The Secretary may assess and collect fees for the conduct of any training, workshop, or conference that advances the purposes of the program.

(B) AMOUNTS.—The amount of a fee under this paragraph may not exceed the sum of costs incurred, or expected to be incurred, by the Secretary as a direct result of the conduct of the training, workshop, or conference, including for subsistence expenses incidental to the training, workshop, or conference, as applicable.

(C) USE OF FEES.—Amounts collected by the Secretary in the form of fees under this paragraph may be used to pay for—

- (i) the costs incurred for conducting an activity described in subparagraph (A); or
- (ii) the expenses described in subparagraph (B).

(3) SURVEY AND MAPPING.—Contracts entered into under paragraph (1)(B) shall be considered “surveying and mapping” services as such term is used in and as such contracts are awarded by the Secretary in accordance with the selection procedures in chapter 11 of title 40, United States Code.

(f) OCEAN ECONOMY.—The Secretary may establish publically available tools that track ocean and Great Lakes economy data for each coastal State.

PURPOSE OF THE BILL

The purpose of H.R. 2189 is to require the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, to establish a constituent-driven program to provide a digital information platform capable of efficiently integrating coastal data with decision-support tools, training, and best practices and to support collection of priority coastal geospatial data to inform and improve local, state, regional, and federal capacities to manage the coastal region, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

Coastal shoreline counties produce 40 percent of the nation’s jobs and contribute \$8.6 trillion, or 46 percent, of the U.S. gross domestic product (GDP).¹ Although these counties make up less than 10 percent of the total U.S. landmass (excluding Alaska and the territories), they would rank third in global GDP, after the U.S. and China, if considered as a separate country.² Extreme weather events such as hurricanes and associated flooding can devastate coastal communities, with especially serious effects on those experiencing poverty (15 percent of the coastal population) and the elderly (8 percent).³

Started in 2007, NOAA’s Digital Coast Partnership, which has never been specifically authorized by Congress, is a web-based collection of data, tools, and training resources designed to support coastal managers. This effort includes economic data, satellite imagery, visualization tools, and predictive tools—from hundreds of sources across academia, non-governmental, federal, state, tribal, and county partners—that help coastal communities better prepare for storms, flooding, and sea level rise, and strengthen coastal economic development planning efforts.⁴ The Partnership also supports events such as conferences, webinars, workshops, and meetings to provide coastal managers collaborative forums on issues

¹ NAT’L OCEANIC & ATMOSPHERIC ADMIN., SOCIOECONOMIC DATA SUMMARY (2019), <https://coast.noaa.gov/data/digitalcoast/pdf/socioecon-pocket-guide.pdf>.

² *Id.*

³ *Id.*

⁴ *About Digital Coast*, NOAA OFFICE FOR COASTAL MGMT., <https://coast.noaa.gov/digitalcoast/about/> (last modified Sept. 25, 2019).

such as coastal resilience, ocean planning, mapping, and habitat protection.⁵ NOAA estimated in 2015 that the Digital Coast, as a critical component of the Coastal Zone Management Program, had a 3.9 to one benefit-cost ratio and that this ratio would increase to more than five to one by Fiscal Year 2028.⁶

COMMITTEE ACTION

H.R. 2189 was introduced on April 9, 2019, by Representative C.A. Dutch Ruppersberger (D–MD). The bill was referred solely to the Committee on Natural Resources, and within the Committee to the Subcommittee on Water, Oceans, and Wildlife. On May 8, 2019, the Subcommittee held a hearing on the bill. On September 18, 2019, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. Chair Raúl Grijalva (D–AZ) offered an amendment #1, which was agreed to by unanimous consent. No additional amendments were offered, and the bill, as amended, was ordered favorably reported to the House of Representatives by unanimous consent.

HEARINGS

For the purposes of section 103(i) of H. Res. 6 of the 116th Congress—the following hearing was used to develop or consider H.R. 2189: legislative hearing by the Subcommittee on Water, Oceans, and Wildlife held on May 8, 2019.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This section provides the short title of the bill, the “Digital Coast Act.”

Section 2. Findings

This section provides findings regarding the Digital Coast Program and data on coastal population size and density and the number of coastal construction permits in the United States. Specifically, more than half of the U.S. population, 153,000,000 people, lives on or near the coast; coastal counties in the United States average 300 persons per square mile; and more than 1,540 permits for construction of single-family homes are issued in coastal counties per day.

Section 3. Definitions

This section defines relevant terms.

Section 4. Establishment of the Digital Coast

This section establishes the Digital Coast Program to provide a platform that integrates geospatial data, decision-support tools, training, and best practices to address coastal management issues and needs. Among other things, this section requires the Secretary of Commerce to maximize the use of remote sensing data collection activities, allows the Secretary to enter into financial agreements

⁵NOAA OFFICE FOR COASTAL MGMT., DIGITAL COAST: FREQUENTLY ASKED QUESTIONS 1 (2018), <https://coast.noaa.gov/data/digitalcoast/pdf/faq.pdf>.

⁶NOAA OFFICE FOR COASTAL MGMT., PROJECTED BENEFITS AND COSTS OF THE DIGITAL COAST 22, 23 (2015), <https://coast.noaa.gov/data/digitalcoast/pdf/benefits-costs.pdf>.

to carry out the program, directs the Secretary to develop a best-practices document for carrying out the program, and allows the Secretary to establish publicly available tools that track ocean and Great Lakes economy data for each coastal state.

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 Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET ACT

1. *Cost of Legislation and the Congressional Budget Act.* With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has received the following estimate for the bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 10, 2019.

Hon. RAÚL M. GRIJALVA,
*Chairman, Committee on Natural Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2189, the Digital Coast Act.

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

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

H.R. 2189, Digital Coast Act			
As ordered reported by the House Committee on Natural Resources on September 18, 2019			
By Fiscal Year, Millions of Dollars	2020	2020-2024	2020-2029
Direct Spending (Outlays)	*	*	*
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	*	*	*
Spending Subject to Appropriation (Outlays)	2	15	not estimated
Statutory pay-as-you-go procedures apply?	Yes	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2030?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between -\$500,000 and zero.			

H.R. 2189 would direct the National Oceanic and Atmospheric Administration (NOAA) to continue implementing the agency’s Digital Coast Program. Under that program, NOAA makes geospatial data, decision-support tools, and best practices regarding the management of coastal areas available on a public website. In 2019, NOAA used \$2 million of appropriated funds to carry out the program. The bill also would direct NOAA to focus additional data collection efforts on underserved coastal areas, such as in the Arctic.

Using information from NOAA, CBO expects that the resources necessary to implement the Digital Coast Program under H.R. 2189 would be higher than the resources necessary under current law because of the costs associated with transporting equipment to the Arctic and other underserved areas for additional data collection. Accounting for that, CBO estimates that implementing H.R. 2189 would cost \$15 million over the 2020–2024 period, assuming appropriation of the necessary amounts.

H.R. 2189 also would authorize NOAA to collect and spend fees, without further appropriation, for training, workshops and conferences related to the Digital Coast program. Any such collection and spending would be classified as direct spending. CBO estimates that the net effect of such collections and spending would be negligible because the spending would probably occur soon after any receipt.

The costs of the legislation, detailed in Table 1, fall within budget function 300 (natural resources and environment).

TABLE 1.—ESTIMATED INCREASES IN SPENDING SUBJECT TO APPROPRIATION UNDER H.R. 2189

	By fiscal year, millions of dollars					
	2020	2021	2022	2023	2024	2020–2024
Estimated Authorization	3	3	3	3	4	16
Estimated Outlays	2	3	3	3	4	15

The CBO staff contact for this estimate is Robert Reese. The estimate was reviewed by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

2. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goals and objectives of this bill are to require the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, to establish a constituent-driven program to provide a digital information platform capable of efficiently integrating coastal data with decision-support tools, training, and best practices and to support collection of priority coastal geospatial data to inform and improve local, state, regional, and federal capacities to manage the coastal region.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

UNFUNDED MANDATES REFORM ACT STATEMENT

This bill contains no unfunded mandates.

EXISTING PROGRAMS

This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

PREEMPTION OF STATE, LOCAL, OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes to existing law.

SUPPLEMENTAL, MINORITY, ADDITIONAL, OR DISSENTING VIEWS

None.