

BOLSTERING ECOSYSTEMS AGAINST COASTAL HARM ACT

SEPTEMBER 12, 2024.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

R E P O R T

[To accompany H.R. 5490]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 5490) to amend the Coastal Barrier Resources Act to expand the John H. Chafee Coastal Barrier Resources System, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends 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 “Bolstering Ecosystems Against Coastal Harm Act” or the “BEACH Act”.

SEC. 2. TABLE OF CONTENTS.

Sec. 1. Short title.
Sec. 2. Table of contents.

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TITLE I—COASTAL BARRIER RESOURCES ACT AMENDMENTS

SEC. 101. DEFINITIONS.

Section 3 of the Coastal Barrier Resources Act (16 U.S.C. 3502) is amended to read as follows:

“SEC. 3. DEFINITIONS.

“(a) IN GENERAL.—For purposes of this Act:

“(1) COASTAL BARRIER.—The term ‘coastal barrier’ means—

“(A) a depositional geologic feature (such as a bay barrier, tombolo, barrier spit, bluff, or barrier island) that—

“(i) is subject to wave, tidal, and wind energies; and

“(ii) protects landward aquatic habitats from direct wave attack; and

“(B) all associated aquatic habitats including the adjacent wetlands, marshes, estuaries, inlets, and nearshore waters.

“(2) COMMITTEES.—The term ‘Committees’ means the Committee on Natural Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate.

“(3) FINANCIAL ASSISTANCE.—

“(A) IN GENERAL.—The term ‘financial assistance’ means any form of loan, grant, guaranty, insurance, payment, rebate, subsidy, or any other form of direct or indirect Federal assistance other than—

“(i) deposit or account insurance for customers of banks, savings and loan associations, credit unions, or similar institutions;

“(ii) the purchase of mortgages or loans by the Government National Mortgage Association, the Federal National Mortgage Association, or the Federal Home Loan Mortgage Corporation;

“(iii) assistance for environmental studies, planning, and assessments that are required incident to the issuance of permits or other authorizations under Federal law; and

“(iv) assistance pursuant to programs entirely unrelated to development, such as any Federal or federally assisted public assistance program or any Federal old-age survivors or disability insurance program.

“(B) FLOOD INSURANCE.—The term ‘financial assistance’ includes flood insurance described in section 1321 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4028).

“(4) GREAT LAKES.—The term ‘Great Lakes’ means Lake Ontario, Lake Erie, Lake Huron, Lake St. Clair, Lake Michigan, and Lake Superior, to the extent that those lakes are subject to the jurisdiction of the United States.

“(5) OTHERWISE PROTECTED AREA.—

“(A) IN GENERAL.—The term ‘Otherwise Protected Area’ means any unit of the System that, at the time of designation, was predominantly composed of areas established under Federal, State, or local law, or held by a qualified organization, primarily for wildlife refuge, wildlife sanctuary, recreational, or natural resource conservation purposes.

“(B) QUALIFIED ORGANIZATION.—For purposes of subparagraph (A), the term ‘qualified organization’ has the meaning given the term in section 170(h)(3) of the Internal Revenue Code of 1986.

“(6) SECRETARY.—The term ‘Secretary’ means the Secretary of the Interior.

“(7) SYSTEM.—The term ‘System’ means the John H. Chafee Coastal Barrier Resources System established under section 4(a).

“(8) SYSTEM UNIT.—The term ‘System unit’ means any undeveloped coastal barrier, or combination of closely-related undeveloped coastal barriers, included within the John H. Chafee Coastal Barrier Resources System established under section 4(a).

“(9) UNDEVELOPED COASTAL BARRIER.—The term ‘undeveloped coastal barrier’ means a coastal barrier the features and associated habitats of which contain few manmade structures and these structures, and man’s activities on such features and within such habitats, do not significantly impede geomorphic and ecological processes.

“(b) SAVINGS CLAUSE.—Nothing in this section supersedes the official maps described in section 4(a).”.

SEC. 102. JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM.

Section 4 of the Coastal Barrier Resources Act (16 U.S.C. 3503) is amended—

(1) in subsection (a), to read as follows:

“(a) ESTABLISHMENT.—There is established the John H. Chafee 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 as System units or Otherwise Protected Areas—

“(1) on the maps on file with the Secretary entitled ‘Coastal Barrier Resources System’, dated October 24, 1990;

“(2) on a map described in section 201(b) of the Bolstering Ecosystems Against Coastal Harm Act; or

“(3) on a map described in paragraph (1) or (2) as such map may be replaced, modified, revised, or corrected under—

“(A) subsection (f)(3);

“(B) section 4 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note); or

“(C) any other provision of law enacted on or after November 16, 1990, that specifically replaces or authorizes the modification, revision, or correction of such a map.”;

(2) in subsection (e), by striking “undeveloped” each place it appears; and

(3) in subsection (f)(2), in the matter preceding subparagraph (A), by striking “copy of the map” and inserting “notification of the availability of the map”.

SEC. 103. REQUIRE DISCLOSURE TO PROSPECTIVE BUYERS THAT PROPERTY IS IN SYSTEM.

Section 5 of the Coastal Barrier Resources Act (16 U.S.C. 3504) is amended by adding at the end the following:

“(c) DISCLOSURE OF LIMITATIONS.—Not later than 2 years after the date of the enactment of the Bolstering Ecosystems Against Coastal Harm Act, the Secretary, in consultation with the Secretary of Housing and Urban Development, shall issue regulations requiring the owner or lessor of real property located in a community affected by this Act, as determined by the Director of the United States Fish and Wildlife Service, to disclose to a prospective buyer or lessee such location of such real property.”.

SEC. 104. EXCEPTIONS TO LIMITATIONS ON EXPENDITURES.

Section 6 of the Coastal Barrier Resources Act (16 U.S.C. 3505) is amended—

(1) in subsection (a)(6)(E), to read as follows:

“(E) Emergency actions necessary to the saving of lives and the protection of property and the public health and safety, if such actions are performed pursuant to sections 402, 403, 407, and 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170a, 5170b, 5173, 5192) and are limited to actions that are necessary to alleviate the applicable emergency.”; and

(2) by adding at the end the following:

“(e) APPLICABILITY TO OTHERWISE PROTECTED AREAS.—

“(1) IN GENERAL.—The prohibitions on new Federal expenditures and financial assistance described in section 5(a) do not apply within Otherwise Protected Areas except with respect to limitations on new flood insurance coverage described in section 1321 of the National Flood Insurance Act of 1968 (42 U.S.C. 4028).

“(2) EXCEPTION.—Notwithstanding paragraph (1), new Federal flood insurance may be provided for a structure in an Otherwise Protected Area that is used in a manner consistent with the purpose for which such Otherwise Protected Area is protected.

“(f) APPLICABILITY TO ADDITIONS AND INSURABLE STRUCTURES.—

“(1) ADDITIONS.—With respect to an addition to the System made under section 4 on or after the date of the enactment of the Bolstering Ecosystems Against Coastal Harm Act, subject to paragraph (2), the prohibitions on new Federal expenditures and financial assistance described in section 5(a) and section 1321 of the National Flood Insurance Act of 1968 (42 U.S.C. 4028) shall take effect on the date that is 1 year after the date on which such addition is made.

“(2) INSURABLE STRUCTURES.—

“(A) IN GENERAL.—The prohibitions on new Federal expenditures and financial assistance described in section 5(a) and section 1321 of the National Flood Insurance Act of 1968 (42 U.S.C. 4028) do not apply to an insurable structure.

“(B) INSURABLE STRUCTURE DEFINED.—In this subsection, the term ‘insurable structure’ means an insurable structure that is—

“(i) located within an addition described in paragraph (1); and

“(ii) in existence before the expiration of the applicable 1-year period described in paragraph (1).”.

SEC. 105. IMPROVE FEDERAL AGENCY COMPLIANCE WITH COASTAL BARRIER RESOURCES ACT.

Section 7(a) of the Coastal Barrier Resources Act (16 U.S.C. 3506(a)) is amended to read as follows:

“(a) REGULATIONS.—Not later than 1 year after the date of the enactment of the Bolstering Ecosystems Against Coastal Harm Act, the head of each Federal agency affected by this Act shall revise or issue regulations and guidance as necessary to ensure compliance with the provisions of this Act.”.

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

Section 10 of the Coastal Barrier Resources Act (16 U.S.C. 3510) is amended by striking “2010” and inserting “2031”.

TITLE II—CHANGES TO JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM MAPS

SEC. 201. CHANGES TO JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM MAPS.

(a) REPLACEMENT MAPS DESCRIBED.—Each map included in the set of maps referred to in section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)), as amended by this Act, that relates to a unit of the John H. Chafee Coastal Barrier Resources System established by section 4 of the Coastal Barrier Resources Act (16 U.S.C. 3503) (in this section referred to as the “System”) referred to in this subsection is replaced in such set with the map described in the following list with respect to that unit and any other new, deleted, or reclassified units depicted on that map panel:

- (1) The map entitled “Salisbury Beach Unit MA–01P Plum Island Unit MA–02P (1 of 2)” and dated December 18, 2020.
- (2) The map entitled “Clark Pond Unit C00 Plum Island Unit MA–02P (2 of 2) Castle Neck Unit MA–03 Wingaersheek Unit C01 (1 of 2)” and dated December 18, 2020.
- (3) The map entitled “Wingaersheek Unit C01 (2 of 2) Good Harbor Beach/Milk Island Unit C01A Cape Hedge Beach Unit MA–48 Brace Cove Unit C01B” and dated December 18, 2020.
- (4) The map entitled “West Beach Unit MA–04 Phillips Beach Unit MA–06” and dated December 18, 2020.
- (5) The map entitled “Snake Island Unit MA–08P, Squantum Unit MA–09P Merrymount Park Unit MA–10P West Head Beach Unit C01C/C01CP Peddocks/Rainsford Island Unit MA–11/MA–11P” and dated December 18, 2020.
- (6) The map entitled “Cohasset Harbor Unit MA–12 North Scituate Unit C02P Rivermoor Unit C03” and dated December 18, 2020.
- (7) The map entitled “Rexhame Unit C03A Duxbury Beach Unit MA–13/MA–13P (1 of 2)” and dated December 18, 2020.
- (8) The map entitled “Duxbury Beach Unit MA–13/MA–13P (2 of 2) Plymouth Bay Unit C04” and dated December 18, 2020.
- (9) The map entitled “Center Hill Complex C06 Scusset Beach Unit MA–38P Town Neck Unit MA–14P” and dated December 18, 2020.
- (10) The map entitled “Scorton Unit C08 Sandy Neck Unit C09/C09P (1 of 2)” and dated December 18, 2020.
- (11) The map entitled “Sandy Neck Unit C09/C09P (2 of 2) Chapin Beach Unit MA–15P” and dated December 18, 2020.
- (12) The map entitled “Nobscusset Unit MA–16 Freemans Pond Unit C10” and dated December 18, 2020.
- (13) The map entitled “Provincetown Unit MA–19P (1 of 2)” and dated December 18, 2020.
- (14) The map entitled “Provincetown Unit MA–19P (2 of 2) Pamet Harbor Unit MA–18AP Ballston Beach Unit MA–18P” and dated December 18, 2020.
- (15) The map entitled “Griffin/Great Islands Complex MA–17P Lieutenant Island Unit MA–17AP” and dated December 18, 2020.
- (16) The map entitled “Namskaket Spits Unit C11/C11P Boat Meadow Unit C11A/C11AP Nauset Beach/Monomoy Unit MA–20P (1 of 3)” and dated December 18, 2020.
- (17) The map entitled “Nauset Beach/Monomoy Unit MA–20P (2 of 3) Harding Beach Unit MA–40P Chatham Roads Unit C12/C12P Red River Beach Unit MA–41P” and dated December 18, 2020.
- (18) The map entitled “Nauset Beach/Monomoy Unit MA–20P (3 of 3)” and dated December 18, 2020.
- (19) The map entitled “Davis Beach Unit MA–23P Lewis Bay Unit C13/C13P” and dated December 18, 2020.

(20) The map entitled “Squaw Island Unit C14 Centerville Unit C15/C15P Dead Neck Unit C16 (1 of 2)” and dated December 18, 2020.

(21) The map entitled “Dead Neck Unit C16 (2 of 2) Popponneset Spit Unit C17 Waquoit Bay Unit C18 Falmouth Ponds Unit C18A” and dated December 18, 2020.

(22) The map entitled “Quissett Beach/Falmouth Beach Unit MA–42P Black Beach Unit C19, Little Sippewisset Marsh Unit C19P Chapoquoit Beach Unit MA–43/MA–43P Herring Brook Unit MA–30” and dated December 18, 2020.

(23) The map entitled “Squeteague Harbor Unit MA–31 Bassetts Island Unit MA–32 Phinneys Harbor Unit MA–33 Buzzards Bay Complex C19A (1 of 3)” and dated December 18, 2020.

(24) The map entitled “Buzzards Bay Complex C19AP (2 of 3) Planting Island Unit MA–35” and dated December 18, 2020.

(25) The map entitled “Buzzards Bay Complex C19A (3 of 3) West Scoticut Neck Unit C31A/C31AP Little Bay Unit MA–47P Harbor View Unit C31B” and dated December 18, 2020.

(26) The map entitled “Round Hill Unit MA–36, Mishaum Point Unit C32 Demarest Lloyd Park Unit MA–37P Little Beach Unit C33 (1 of 2) Round Hill Point Unit MA–45P, Teal Pond Unit MA–46” and dated December 18, 2020.

(27) The map entitled “Little Beach Unit C33 (2 of 2) Horseneck Beach Unit C34/C34P Richmond/Cockeast Ponds Unit C35” and dated December 18, 2020.

(28) The map entitled “Coatue Unit C20/C20P (1 of 2) Sesachacha Pond Unit C21” and dated December 18, 2020.

(29) The map entitled “Coatue Unit C20/C20P (2 of 2) Cisco Beach Unit C22P Esther Island Complex C23/23P (1 of 2) Tuckernuck Island Unit C24 (1 of 2)” and dated December 18, 2020.

(30) The map entitled “Esther Island Complex C23 (2 of 2) Tuckernuck Island Unit C24 (2 of 2) Muskeget Island Unit C25” and dated December 18, 2020.

(31) The map entitled “Harthaven Unit MA–26, Edgartown Beach Unit MA–27P Trapps Pond Unit MA–27, Eel Pond Beach Unit C26 Cape Poge Unit C27, Norton Point Unit MA–28P South Beach Unit C28 (1 of 2)” and dated December 18, 2020.

(32) The map entitled “South Beach Unit C28 (2 of 2)” and dated December 18, 2020.

(33) The map entitled “Squibnocket Complex C29/C29P Nomans Land Unit MA–29P” and dated December 18, 2020.

(34) The map entitled “James Pond Unit C29A Mink Meadows Unit C29B Naushon Island Complex MA–24 (1 of 2)” and dated December 18, 2020.

(35) The map entitled “Naushon Island Complex MA–24 (2 of 2) Elizabeth Island Unit C31 (1 of 2)” and dated December 18, 2020.

(36) The map entitled “Elizabeth Island Unit C31 (2 of 2) Penikese Island Unit MA–25P” and dated December 18, 2020.

(37) The map entitled “Cedar Cove Unit C34A” and dated December 18, 2020.

(38) The map entitled “Little Compton Ponds Unit D01 Tunipus Pond Unit D01P Brown Point Unit RI–01” and dated December 18, 2020.

(39) The map entitled “Fogland Marsh Unit D02/D02P, Sapowet Point Unit RI–02/RI–02P McCorrie Point Unit RI–02A Sandy Point Unit RI–03P Prudence Island Complex D02B/D02BP (1 of 3)” and dated December 18, 2020.

(40) The map entitled “Prudence Island Complex D02B/D02BP (2 of 3)” and dated December 18, 2020.

(41) The map entitled “Prudence Island Complex D02B/D02BP (3 of 3)” and dated December 18, 2020.

(42) The map entitled “West Narragansett Bay Complex D02C” and dated December 18, 2020.

(43) The map entitled “Fox Hill Marsh Unit RI–08/RI–08P Bonnet Shores Beach Unit RI–09 Narragansett Beach Unit RI–10/RI–10P” and dated December 18, 2020.

(44) The map entitled “Seaweed Beach Unit RI–11P East Matunuck Beach Unit RI–12P Point Judith Unit RI–14P, Card Ponds Unit D03/D03P Green Hill Beach Unit D04 (1 of 2)” and dated September 8, 2023.

(45) The map entitled “Green Hill Beach Unit D04 (2 of 2) East Beach Unit D05P Quonochontaug Beach Unit D06/D06P” and dated December 18, 2020.

(46) The map entitled “Misquamicut Beach Unit RI–13P Maschaug Ponds Unit D07 Napatree Unit D08/D08P” and dated December 18, 2020.

(47) The map entitled “Block Island Unit D09/D09P” and dated December 18, 2020.

(48) The map entitled “Wilcox Beach Unit E01 Ram Island Unit E01A Mason Island Unit CT–01” and dated December 18, 2020.

(49) The map entitled “Bluff Point Unit CT-02 Goshen Cove Unit E02” and dated December 18, 2020.

(50) The map entitled “Jordan Cove Unit E03, Niantic Bay Unit E03A Old Black Point Unit CT-03, Hatchett Point Unit CT-04 Little Pond Unit CT-05, Mile Creek Unit CT-06” and dated December 18, 2020.

(51) The map entitled “Griswold Point Unit CT-07 Lynde Point Unit E03B Cold Spring Brook Unit CT-08” and dated December 18, 2020.

(52) The map entitled “Menunketesuck Island Unit E04 Hammonasset Point Unit E05 Toms Creek Unit CT-10 Seaview Beach Unit CT-11” and dated December 18, 2020.

(53) The map entitled “Lindsey Cove Unit CT-12 Kelsey Island Unit CT-13 Nathan Hale Park Unit CT-14P Morse Park Unit CT-15P” and dated December 18, 2020.

(54) The map entitled “Milford Point Unit E07 Long Beach Unit CT-18P Fayerweather Island Unit E08AP” and dated December 18, 2020.

(55) The map entitled “Norwalk Islands Unit E09/E09P” and dated December 18, 2020.

(56) The map entitled “Jamaica Bay Unit NY-60P (1 of 2)” and dated December 18, 2020.

(57) The map entitled “Jamaica Bay Unit NY-60P (2 of 2)” and dated December 18, 2020.

(58) The map entitled “Sands Point Unit NY-03 Prospect Point Unit NY-04P Dosoris Pond Unit NY-05P” and dated December 18, 2020.

(59) The map entitled “The Creek Beach Unit NY-06/NY-06P Centre Island Beach Unit NY-07P, Centre Island Unit NY-88 Lloyd Beach Unit NY-09P Lloyd Point Unit NY-10/NY-10P” and dated December 18, 2020.

(60) The map entitled “Lloyd Harbor Unit NY-11/NY-11P, Eatons Neck Unit F02 Hobart Beach Unit NY-13, Deck Island Harbor Unit NY-89 Centerpoint Harbor Unit NY-12, Crab Meadow Unit NY-14” and dated December 18, 2020.

(61) The map entitled “Sunken Meadow Unit NY-15/NY-15P Stony Brook Harbor Unit NY-16 (1 of 2)” and dated December 18, 2020.

(62) The map entitled “Stony Brook Harbor Unit NY-16/NY-16P (2 of 2) Crane Neck Unit F04P Old Field Beach Unit F05/F05P Cedar Beach Unit NY-17/NY-17P” and dated December 18, 2020.

(63) The map entitled “Wading River Unit NY-18 Baiting Hollow Unit NY-19P” and dated December 18, 2020.

(64) The map entitled “Luce Landing Unit NY-20P, Mattituck Inlet Unit NY-21P East Creek Unit NY-34P, Indian Island Unit NY-35P Flanders Bay Unit NY-36/NY-36P, Red Creek Pond Unit NY-37 Iron Point Unit NY-97P” and dated September 8, 2023.

(65) The map entitled “Goldsmith Inlet Unit NY-22P, Pipes Cove Unit NY-26 (1 of 2) Southold Bay Unit NY-28, Cedar Beach Point Unit NY-29P (1 of 2) Hog Neck Bay Unit NY-30 Peconic Dunes Unit NY-90P” and dated December 18, 2020.

(66) The map entitled “Little Creek Unit NY-31/NY-31P, Cutchogue Harbor Unit NY-31A Downs Creek Unit NY-32, Robins Island Unit NY-33 Squire Pond Unit NY-38, Cow Neck Unit NY-39 North Sea Harbor Unit NY-40/NY-40P, Cold Spring Pond Unit NY-92” and dated December 18, 2020.

(67) The map entitled “Truman Beach Unit NY-23/NY-23P Orient Beach Unit NY-25P Hay Beach Point Unit NY-47” and dated December 18, 2020.

(68) The map entitled “F06, NY-26 (2 of 2), NY-27, NY-29P (2 of 2), NY-41P NY-42, NY-43/NY-43P, NY-44, NY-45 NY-46, NY-48, NY-49, NY-50 NY-51P, NY-93, NY-94, NY-95P” and dated December 18, 2020.

(69) The map entitled “Gardiners Island Barriers Unit F09 (1 of 2) Plum Island Unit NY-24” and dated December 18, 2020.

(70) The map entitled “Sammys Beach Unit F08A, Accabonac Harbor Unit F08B Gardiners Island Barriers Unit F09 (2 of 2) Napeague Unit F10P (1 of 2), Hog Creek Unit NY-52 Amagansett Unit NY-56/NY-56P, Bell Park Unit NY-96P” and dated December 18, 2020.

(71) The map entitled “Fisher Island Barriers Unit F01” and dated December 18, 2020.

(72) The map entitled “Big Reed Pond Unit NY-53P Oyster Pond Unit NY-54P Montauk Point Unit NY-55P” and dated December 18, 2020.

(73) The map entitled “Napeague Unit F10/F10P (2 of 2)” and dated December 18, 2020.

(74) The map entitled “Mecox Unit F11 Georgica/Wainscott Ponds Unit NY-57 Sagaponack Pond Unit NY-58/NY-58P” and dated December 18, 2020.

(75) The map entitled “Southampton Beach Unit F12 Tiana Beach Unit F13/F13P” and dated December 18, 2020.

- (76) The map entitled “Fire Island Unit NY–59P (1 of 6)” and dated December 18, 2020.
- (77) The map entitled “Fire Island Unit NY–59P (2 of 6)” and dated December 18, 2020.
- (78) The map entitled “Fire Island Unit NY–59P (3 of 6)” and dated December 18, 2020.
- (79) The map entitled “Fire Island Unit NY–59/NY–59P (4 of 6)” and dated December 18, 2020.
- (80) The map entitled “Fire Island Unit NY–59/NY–59P (5 of 6)” and dated December 18, 2020.
- (81) The map entitled “Fire Island Unit NY–59/NY–59P (6 of 6)” and dated December 18, 2020.
- (82) The map entitled “Sandy Hook Unit NJ–01P Monmouth Cove Unit NJ–17P” and dated December 18, 2020.
- (83) The map entitled “Navesink/Shrewsbury Complex NJ–04A/NJ–04AP” and dated December 18, 2020.
- (84) The map entitled “Metedeconk Neck Unit NJ–04B/NJ–04BP” and dated December 18, 2020.
- (85) The map entitled “Island Beach Unit NJ–05P (1 of 2)” and dated December 18, 2020.
- (86) The map entitled “Island Beach Unit NJ–05P (2 of 2)” and dated September 8, 2023.
- (87) The map entitled “Cedar Bonnet Island Unit NJ–06/NJ–06P” and dated December 18, 2020.
- (88) The map entitled “Brigantine Unit NJ–07P (1 of 4)” and dated September 8, 2023.
- (89) The map entitled “Brigantine Unit NJ–07P (2 of 4)” and dated December 18, 2020.
- (90) The map entitled “Brigantine Unit NJ–07P (3 of 4)” and dated December 18, 2020.
- (91) The map entitled “Brigantine Unit NJ–07P (4 of 4)” and dated December 18, 2020.
- (92) The map entitled “Corson’s Inlet Unit NJ–08P” and dated December 18, 2020.
- (93) The map entitled “Stone Harbor Unit NJ–09/NJ–09P” and dated December 18, 2020.
- (94) The map entitled “Two Mile Beach Unit NJ–20P Cape May Unit NJ–10P Higbee Beach Unit NJ–11P” and dated December 18, 2020.
- (95) The map entitled “Sunray Beach Unit NJ–21P Del Haven Unit NJ–12/NJ–12P Kimbles Beach Unit NJ–13 Moores Beach Unit NJ–14/NJ–14P (1 of 3)” and dated September 8, 2023.
- (96) The map entitled “Moores Beach Unit NJ–14/NJ–14P (2 of 3)” and dated December 18, 2020.
- (97) The map entitled “Moores Beach Unit NJ–14/NJ–14P (3 of 3)” and dated December 18, 2020.
- (98) The map entitled “Little Creek Unit DE–01/DE–01P (1 of 2) Broadkill Beach Unit H00/H00P (1 of 4)” and dated December 18, 2020.
- (99) The map entitled “Broadkill Beach Unit H00/H00P (2 of 4)” and dated September 8, 2023.
- (100) The map entitled “Broadkill Beach Unit H00/H00P (3 of 4)” and dated December 18, 2020.
- (101) The map entitled “Broadkill Beach Unit H00/H00P (4 of 4) Beach Plum Island Unit DE–02P” and dated September 8, 2023.
- (102) The map entitled “Cape Henlopen Unit DE–03P Silver Lake Unit DE–06” and dated December 18, 2020.
- (103) The map entitled “Fenwick Island Unit DE–08P” and dated September 8, 2023.
- (104) The map entitled “Bombay Hook Unit DE–11P (2 of 2) Little Creek Unit DE–01P (2 of 2)” and dated December 18, 2020.
- (105) The map entitled “Assateague Island Unit MD–01P (1 of 3)” and dated December 18, 2020.
- (106) The map entitled “Assateague Island Unit MD–01P (2 of 3)” and dated December 18, 2020.
- (107) The map entitled “Assateague Island Unit MD–01P (3 of 3)” and dated December 18, 2020.
- (108) The map entitled “Fair Island Unit MD–02 Sound Shore Unit MD–03/MD–03P” and dated December 18, 2020.
- (109) The map entitled “Cedar/Janes Islands Unit MD–04P (1 of 2) Joes Cove Unit MD–06 (1 of 2)” and dated December 18, 2020.

(110) The map entitled “Cedar/Janes Islands Unit MD-04P (2 of 2) Joes Cove Unit MD-06 (2 of 2) Scott Point Unit MD-07P, Hazard Island Unit MD-08P St. Pierre Point Unit MD-09P” and dated December 18, 2020.

(111) The map entitled “Little Deal Island Unit MD-11 Deal Island Unit MD-12 Franks Island Unit MD-14/MD-14P Long Point Unit MD-15” and dated December 18, 2020.

(112) The map entitled “Stump Point Unit MD-16” and dated December 18, 2020.

(113) The map entitled “Martin Unit MD-17P” and dated December 18, 2020.

(114) The map entitled “Marsh Island Unit MD-18P Holland Island Unit MD-19” and dated December 18, 2020.

(115) The map entitled “Jenny Island Unit MD-20 Lower Hooper Island Unit MD-58” and dated December 18, 2020.

(116) The map entitled “Barren Island Unit MD-21P Meekins Neck Unit MD-59” and dated December 18, 2020.

(117) The map entitled “Hooper Point Unit MD-22 Covey Creek Unit MD-24” and dated December 18, 2020.

(118) The map entitled “Boone Creek Unit MD-26 Benoni Point Unit MD-27 Chlora Point Unit MD-60” and dated December 18, 2020.

(119) The map entitled “Lowes Point Unit MD-28 Rich Neck Unit MD-29 Kent Point Unit MD-30” and dated December 18, 2020.

(120) The map entitled “Stevensville Unit MD-32 Wesley Church Unit MD-33 Eastern Neck Island Unit MD-34P Wilson Point Unit MD-35” and dated December 18, 2020.

(121) The map entitled “Tanner Creek Unit MD-47 Point Lookout Unit MD-48P Potter Creek Unit MD-63 Bisco Creek Unit MD-49” and dated December 18, 2020.

(122) The map entitled “Biscoe Pond Unit MD-61P, Carroll Pond Unit MD-62 St. Clarence Creek Unit MD-44 Deep Point Unit MD-45, Point Look-In Unit MD-46 Chicken Cock Creek Unit MD-50” and dated December 18, 2020.

(123) The map entitled “Drum Point Unit MD-39 Lewis Creek Unit MD-40 Green Holly Pond Unit MD-41” and dated December 18, 2020.

(124) The map entitled “Flag Ponds Unit MD-37P Cove Point Marsh Unit MD-38/MD-38P” and dated December 18, 2020.

(125) The map entitled “Cherryfield Unit MD-64, Piney Point Creek Unit MD-51 McKay Cove Unit MD-52, Blake Creek Unit MD-53 Belvedere Creek Unit MD-54” and dated December 18, 2020.

(126) The map entitled “St. Clements Island Unit MD-55P St. Catherine Island Unit MD-56” and dated December 18, 2020.

(127) The map entitled “Assateague Island Unit VA-01P (1 of 4)” and dated December 18, 2020.

(128) The map entitled “Assateague Island Unit VA-01P (2 of 4)” and dated December 18, 2020.

(129) The map entitled “Assateague Island Unit VA-01P (3 of 4)” and dated December 18, 2020.

(130) The map entitled “Assateague Island Unit VA-01P (4 of 4) Assawoman Island Unit VA-02P (1 of 3)” and dated December 18, 2020.

(131) The map entitled “Assawoman Island Unit VA-02P (2 of 3)” and dated December 18, 2020.

(132) The map entitled “Assawoman Island Unit VA-02P (3 of 3) Metompkin Island Unit VA-03P Cedar Island Unit K03 (1 of 3)” and dated December 18, 2020.

(133) The map entitled “Cedar Island Unit K03 (2 of 3) Parramore/Hog/Cobb Islands Unit VA-04P (1 of 5)” and dated December 18, 2020.

(134) The map entitled “Cedar Island Unit K03 (3 of 3) Parramore/Hog/Cobb Islands Unit VA-04P (2 of 5)” and dated December 18, 2020.

(135) The map entitled “Parramore/Hog/Cobb Islands Unit VA-04P (3 of 5)” and dated December 18, 2020.

(136) The map entitled “Parramore/Hog/Cobb Islands Unit VA-04P (4 of 5)” and dated December 18, 2020.

(137) The map entitled “Parramore/Hog/Cobb Islands Unit VA-04P (5 of 5) Little Cobb Island Unit K04 Wreck Island Unit VA-05P (1 of 4)” and dated December 18, 2020.

(138) The map entitled “Wreck Island Unit VA-05P (2 of 4)” and dated December 18, 2020.

(139) The map entitled “Wreck Island Unit VA-05P (3 of 4) Smith Island Unit VA-06P (1 of 3)” and dated December 18, 2020.

(140) The map entitled “Wreck Island Unit VA-05P (4 of 4) Smith Island Unit VA-06P (2 of 3) Fishermans Island Unit K05/K05P (1 of 2)” and dated December 18, 2020.

(141) The map entitled “Smith Island Unit VA-06P (3 of 3) Fishermans Island Unit K05/K05P (2 of 2)” and dated December 18, 2020.

(142) The map entitled “Elliotts Creek Unit VA-09 Old Plantation Creek Unit VA-10 Wescoat Point Unit VA-11” and dated December 18, 2020.

(143) The map entitled “Great Neck Unit VA-12 Westerhouse Creek Unit VA-13 Shooting Point Unit VA-14” and dated December 18, 2020.

(144) The map entitled “Scarborough Neck Unit VA-16/VA-16P Craddock Neck Unit VA-17/VA-17P (1 of 2)” and dated December 18, 2020.

(145) The map entitled “Craddock Neck Unit VA-17 (2 of 2) Hacks Neck Unit VA-18 Parkers/Finneys Islands Unit VA-19 Parkers Marsh Unit VA-20/VA-20P (1 of 3)” and dated December 18, 2020.

(146) The map entitled “Parkers Marsh Unit VA-20 (2 of 3) Beach Island Unit VA-21 (1 of 2) Russell Island Unit VA-22/VA-22P Simpson Bend Unit VA-23” and dated December 18, 2020.

(147) The map entitled “Parkers Marsh Unit VA-20/VA-20P (3 of 3) Beach Island Unit VA-21 (2 of 2) Watts Island Unit VA-27” and dated December 18, 2020.

(148) The map entitled “Drum Bay Unit VA-24” and dated December 18, 2020.

(149) The map entitled “Fox Islands Unit VA-25” and dated December 18, 2020.

(150) The map entitled “Cheeseman Island Unit VA-26” and dated December 18, 2020.

(151) The map entitled “Tangier Island Unit VA-28/VA-28P” and dated December 18, 2020.

(152) The map entitled “Elbow Point Unit VA-29 White Point Unit VA-30 Cabin Point Unit VA-31 Glebe Point Unit VA-32” and dated December 18, 2020.

(153) The map entitled “Sandy Point Unit VA-33 Judith Sound Unit VA-34” and dated December 18, 2020.

(154) The map entitled “Cod Creek Unit VA-35 Presley Creek Unit VA-36 Cordreys Beach Unit VA-37 Marshalls Beach Unit VA-38” and dated December 18, 2020.

(155) The map entitled “Ginny Beach Unit VA-39P, Gaskin Pond Unit VA-40 Owens Pond Unit VA-41, Chesapeake Beach Unit VA-42 Fleet Point Unit VA-43 Bussel Point Unit VA-44” and dated December 18, 2020.

(156) The map entitled “Harveys Creek Unit VA-45, Dameron Marsh Unit VA-63P Ingram Cove Unit VA-46 Bluff Point Neck Unit VA-47/VA-47P Barnes Creek Unit VA-48” and dated December 18, 2020.

(157) The map entitled “Little Bay Unit VA-64, North Point Unit VA-49 White Marsh Unit VA-65P, Windmill Point Unit VA-50 Deep Hole Point Unit VA-51, Sturgeon Creek Unit VA-52 Jackson Creek Unit VA-53” and dated December 18, 2020.

(158) The map entitled “Rigby Island/Bethal Beach Unit VA-55/VA-55P (1 of 2)” and dated December 18, 2020.

(159) The map entitled “Rigby Island/Bethal Beach Unit VA-55 (2 of 2) New Point Comfort Unit VA-56” and dated December 18, 2020.

(160) The map entitled “Lone Point Unit VA-66 Oldhouse Creek Unit VA-67 Ware Neck Unit VA-57 Severn River Unit VA-58 (1 of 2)” and dated December 18, 2020.

(161) The map entitled “Severn River Unit VA-58 (2 of 2) Bay Tree Beach Unit VA-68/VA-68P Plum Tree Island Unit VA-59P (1 of 2)” and dated December 18, 2020.

(162) The map entitled “Plum Tree Island Unit VA-59P (2 of 2) Long Creek Unit VA-60/VA-60P” and dated December 18, 2020.

(163) The map entitled “Cape Henry Unit VA-61P” and dated December 18, 2020.

(164) The map entitled “Back Bay Unit VA-62P (1 of 2)” and dated December 18, 2020.

(165) The map entitled “Back Bay Unit VA-62P (2 of 2)” and dated December 18, 2020.

(166) The map entitled “Onslow Beach Complex L05 (2 of 2) Topsail Unit L06 (1 of 2)” and dated April 30, 2021.

(167) The map entitled “Morris Island Unit M06/M06P” and dated April 29, 2021.

(168) The map entitled “Hunting Island Unit SC–09P (1 of 2) Harbor Island Unit M11 (1 of 2) St. Phillips Island Unit M12/M12P (1 of 3)” and dated April 29, 2021.

(169) The map entitled “Hunting Island Unit SC–09P (2 of 2) Harbor Island Unit M11 (2 of 2) St. Phillips Island Unit M12/M12P (2 of 3)” and dated April 29, 2021.

(170) The map entitled “St. Phillips Island Unit M12 (3 of 3)” and dated April 29, 2021.

(171) The map entitled “Grayton Beach Unit FL–95P Draper Lake Unit FL–96” and dated April 30, 2021.

(172) The map entitled “Moreno Point Unit P32/P32P” and dated April 29, 2021.

(173) The map entitled “Isle au Pitre Unit LA–01” and dated March 18, 2016.

(174) The map entitled “Half Moon Island Unit LA–02” and dated March 18, 2016.

(175) The map entitled “Timbalier Bay Unit S04 Timbalier Islands Unit S05 (1 of 3)” and dated March 18, 2016.

(176) The map entitled “Timbalier Islands Unit S05 (2 of 3)” and dated March 18, 2016.

(177) The map entitled “Timbalier Islands Unit S05 (3 of 3)” and dated March 18, 2016.

(178) The map entitled “Isles Dernieres Unit S06 (1 of 3)” and dated March 18, 2016.

(179) The map entitled “Isles Dernieres Unit S06 (2 of 3)” and dated March 18, 2016.

(180) The map entitled “Isles Dernieres Unit S06 (3 of 3)” and dated March 18, 2016.

(181) The map entitled “Point au Fer Unit S07 (1 of 4)” and dated March 18, 2016.

(182) The map entitled “Point au Fer Unit S07 (2 of 4)” and dated March 18, 2016.

(183) The map entitled “Point au Fer Unit S07 (3 of 4)” and dated March 18, 2016.

(184) The map entitled “Point au Fer Unit S07 (4 of 4)” and dated March 18, 2016.

(b) NEW MAPS DESCRIBED.—The maps referred to in section 4(a)(2) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)(2)), as amended by this Act, are the following:

(1) The map entitled “Odiorne Point Unit NH–01P” and dated December 18, 2020.

(2) The map entitled “Guilford Harbor Unit CT–19P” and dated December 18, 2020.

(3) The map entitled “Silver Sands Unit CT–21P” and dated December 18, 2020.

(4) The map entitled “Calf Islands Unit CT–20P” and dated December 18, 2020.

(5) The map entitled “Malibu Beach Unit NJ–19P” and dated December 18, 2020.

(6) The map entitled “Egg Island Unit NJ–22P (1 of 2)” and dated December 18, 2020.

(7) The map entitled “Egg Island Unit NJ–22P (2 of 2) Dix Unit NJ–23P (1 of 3)” and dated December 18, 2020.

(8) The map entitled “Dix Unit NJ–23P (2 of 3)” and dated December 18, 2020.

(9) The map entitled “Dix Unit NJ–23P (3 of 3) Greenwich Unit NJ–24P” and dated December 18, 2020.

(10) The map entitled “Woodland Beach Unit DE–09P Fraland Beach Unit DE–10 Bombay Hook Unit DE–11P (1 of 2)” and dated December 18, 2020.

(11) The map entitled “Swan Point Unit MD–65 Lower Cedar Point Unit MD–66” and dated December 18, 2020.

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

(d) SPECIAL UNIT.—

(1) IN GENERAL.—“Squaw Island Unit C14” of the System, as depicted on the maps referred to in section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)), as amended by this Act, is designated as “Halls Island Unit C14” and in revising such maps under that section, the Secretary of the Interior shall so identify that unit.

(2) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to “Squaw Island Unit C14” is deemed to be a reference to “Halls Island Unit C14”.

PURPOSE OF THE LEGISLATION

The purpose of H.R. 5490 is to amend the Coastal Barrier Resources Act to expand the John H. Chafee Coastal Barrier Resources System, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

Enacted in 1982, the Coastal Barrier Resources Act (CBRA) established the John H. Chafee Coastal Barrier Resources System (System), which is made up of undeveloped coastal barriers and other areas of the eastern seaboard, the Great Lakes, U.S. Caribbean territories, and the Gulf of Mexico.¹ CBRA restricts the use of new federal funding that may encourage development on or around certain coastal barriers.² The intention of these restrictions is to “minimize the loss of human life, wasteful expenditure of federal revenues, and the damage to fish, wildlife, and other natural resources associated with the coastal barriers.”³ CBRA is administered by the U.S. Fish and Wildlife Service (Service) and the System currently encompasses 3.5 million acres. The Service does periodic reviews on the System to determine whether areas should be added or removed from the System. Any changes to the System are required to be authorized by Congress.

In October 2012, Hurricane Sandy made landfall along the East coast of the U.S. and caused \$85.9 billion in damages (in 2023 dollars), the fifth costliest Hurricane in U.S. history.⁴ The two states hit hardest by the storm were New York and New Jersey, with over 600,000 homes destroyed and considerable damage to vital infrastructure and businesses.⁵

On January 29, 2013, the Disaster Relief Appropriations Act (Public Law 113–2) was signed into law, which provided \$50 billion in disaster aid to the effected region.⁶ In 2014, with the use of \$5 million provided from that law, the Service undertook to modernize the System maps in the nine states most impacted by Hurricane Sandy. These states were: Connecticut, Delaware, New Hampshire, New Jersey, New York, Maryland, Massachusetts, Rhode Island and Virginia.⁷

The Service submitted a report to Congress in April 2022 that contained the final recommended maps for Congress to consider.⁸ In addition to the maps, the report also contained summaries and responses to comments and corrections of previous mapping errors.⁹ According to the Service, the final recommended maps for

¹Pub. L. No. 97–348, § 3, Oct. 18, 1982, 96 Stat. 1653.

²*Id.*

³*Id.*

⁴“Costliest U.S. Tropical Cyclones.” National Oceanic and Atmospheric Administration. [dcmi.pdf](#) (noaa.gov).

⁵“Testimony of Stephen Guertin.” Senate Committee on Environment and Public Works. June 15, 2022. Pending Legislation | U.S. Department of the Interior (doi.gov).

⁶*Id.*

⁷*Id.*

⁸“Report to Congress: John H. Chafee Coastal Barrier Resources System Hurricane Sandy Remapping Project.” U.S. Fish and Wildlife Service. 2022. https://www.fws.gov/sites/default/files/documents/Hurricane-Sandy-CBRS-Remapping-Report-to-Congress-2022_0.pdf.

⁹*Id.*

this project result in 438 System units that cover a total of 846,918 acres.¹⁰

The recommended maps remove 1,361 acres that were wrongly included in past System maps, these areas are mainly upland areas that do not meet CBRA criteria.¹¹

H.R. 5490, as amended, would codify into law the new and modified CBRA maps that have been proposed by the Service contained in the report. The bill would also make reforms to the CBRA statute by requiring owners who are selling or leasing property in the System to disclose that the property is in the System to the buyer or lessee, which currently does not exist in statute. The bill also further clarifies the exemption to allow federal funds to be used within the System if the funds are used to save private property and human life under certain sections of the Robert T. Stafford Disaster Relief and Emergency Assistance Act. The bill reauthorizes CBRA appropriation through Fiscal Year (FY) 2031, which is set at \$2 million per fiscal year to carry out the provisions in the act.

It is the Committee's understanding, based on conversations with the Army Corps, that the amendment to the Coastal Barrier Resources Act included in Section 104(1)(B) of the suspension text dated May 23, 2024 (4:26 p.m.) and expected to be considered by the House the week of September 23, 2024, applies to the following four projects: (1) Townsends Inlet to Cape May Inlet, New Jersey project for Coastal Storm Risk Management (CSRМ) and Emergency Response purposes; (2) Folly Beach, South Carolina CSRМ project; (3) Carolina Beach and Vicinity, North Carolina CSRМ project; and (4) Wrightsville Beach, North Carolina CSRМ project. To the best of the Corps' knowledge, no other projects would be included, now or in the future.

COMMITTEE ACTION

H.R. 5490 was introduced on September 14, 2023, by Rep. Jennifer Kiggans (R-VA). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Water, Wildlife and Fisheries. On September 28, 2023, the Subcommittee on Water, Wildlife and Fisheries held a hearing on the bill. On December 6, 2023, the Committee on Natural Resources met to consider the bill. The Subcommittee on Water, Wildlife and Fisheries was discharged from further consideration of H.R. 5490 by unanimous consent. Rep. Kiggans (R-VA) offered an Amendment in the Nature of a Substitute designated Kiggans 040 ANS. The amendment was adopted by unanimous consent. H.R. 5490, as amended, was ordered favorably reported to the House of Representatives by unanimous consent.

HEARINGS

For the purposes of clause 3(c)(6) of House rule XIII, the following hearing was used to develop or consider this measure: hearing by the Subcommittee on Water, Wildlife and Fisheries held on September 28, 2023.

¹⁰*Id.*

¹¹*Id.*

SECTION-BY-SECTION ANALYSIS

TITLE 1. COASTAL BARRIER RESOURCES ACT AMENDMENTS

Section 101: Definitions

The bill updates certain definitions in the Coastal Barrier Resources Act.

Section 102: John H. Chafee Coastal Barrier Resources System

This section incorporates the new maps listed in the legislation into the System.

Section 103: Require disclosure to prospective buyers that property is in System

Requires the Secretary to work with the Secretary of Housing and Urban Development to develop regulations requiring property owners to disclose if their property is within the System to a prospective buyer or renter.

Section 104: Exceptions to limitations on expenditures

Updates the provision regarding emergency actions essential to the saving of lives and the protection of property. Additionally, it clarifies that federal flood insurance may be provided for a structure in an Otherwise Protected Area that is used in a manner consistent with the purpose for which such area is protected. Lastly, it provides a one-year extension to the prohibition on federal expenditures for areas added to the System by the bill.

Section 105: Improve Federal Agency compliance with Coastal Barrier Resources Act

Requires each agency affected by this bill to revise or issue regulations related to implementing the act within one year of enactment.

Section 106: Authorization of appropriations

Reauthorizes the CBRA at \$2 million per year through FY 2031.

TITLE 2. CHANGES TO THE JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM MAPS

Section 201. Changes to the John H. Chafee Coastal Barrier Resources System maps

Congressionally authorizes the new and modified System maps.

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:

At a Glance			
H.R. 5490, BEACH Act			
As ordered reported by the House Committee on Natural Resources on December 6, 2023			
By Fiscal Year, Millions of Dollars	2024	2024-2029	2024-2034
Direct Spending (Outlays)	0	*	*
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	*	*
Spending Subject to Appropriation (Outlays)	1	11	16
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2035?	No	Statutory pay-as-you-go procedures apply?	Yes
		Mandate Effects	
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2035?	No	Contains intergovernmental mandate?	Yes, Under Threshold
		Contains private-sector mandate?	Yes, Under Threshold
* = between zero and -\$500,000.			

The bill would:

- Authorize appropriations for the U.S. Fish and Wildlife Service to administer the Coastal Barrier Resources System (CBRS)
- Codify 195 updated or new maps that define the boundaries of areas for incorporation into the CBRS
- Remove some private residential structures from the CBRS, allowing owners of those properties to purchase federal flood insurance under the National Flood Insurance Program
- Impose intergovernmental and private-sector mandates by requiring owners or lessors to notify prospective buyers or lessees that a property is located within the CBRS

Estimated budgetary effects would mainly stem from:

- Amounts authorized to be appropriated
- Increasing the number of properties that are eligible for federal flood insurance coverage

Areas of significant uncertainty include:

- Determining how many properties would be located inside or outside the boundaries of the CBRS and how many property owners would purchase flood insurance

Bill summary: H.R. 5490 would authorize the appropriation of \$2 million annually through 2031 for the U.S. Fish and Wildlife Service (USFWS) to administer the Coastal Barrier Resources System (CBRS) and to map new coastal areas to add to the system. The bill also would codify 195 updated or new maps that define the boundaries of several areas for incorporation into the CBRS. By changing those boundaries, the bill would, on net, add about 277,000 acres to the system (increasing the size of the CBRS by 8 percent).

Estimated Federal cost: The estimated budgetary effect of H.R. 5490 is shown in Table 1. The costs of the legislation fall within

budget functions 300 (natural resources and environment) and 450 (community and regional development).

TABLE 1.—ESTIMATED BUDGETARY EFFECTS OF H.R. 5490

	By fiscal year, millions of dollars—												2024– 2029	2024– 2034
	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034			
	INCREASES IN SPENDING SUBJECT TO APPROPRIATION													
Authorization	2	2	2	2	2	2	2	2	0	0	0	12	16	
Estimated Outlays	1	2	2	2	2	2	2	2	1	*	*	11	16	

* = between zero and \$500,000.

CBO also estimates that enacting H.R. 5490 would reduce direct spending by an insignificant amount over the 2024–2034 period.

Basis of estimate: For this estimate, CBO assumes that H.R. 5490 will be enacted near the middle of fiscal year 2024 and that the specified amounts will be appropriated each year.

Spending subject to appropriation: H.R. 5490 would authorize the appropriation of \$2 million annually through 2031 for USFWS to administer the CBRS program and to correct and update existing CBRS maps. In 2023, USFWS allocated \$1 million to administer the system.

Using information from USFWS and based on historical spending patterns for similar activities, CBO estimates that implementing H.R. 5490 would cost \$11 million over the 2024–2029 period and \$5 million after 2029, assuming appropriation of the authorized amounts.

Some areas within the CBRS have limited eligibility for other federal assistance, including that provided by the Department of Transportation for highways and airports and by the Army Corps of Engineers for navigation or flood protection projects. CBO expects that under the bill, federal funding that might have been allocated to projects within the new additions to the CBRS would be reallocated to other projects; thus, increasing the amount of land in the CBRS would, on net, have no effect on spending from those programs.

Direct spending: Under current law, federal financial assistance—including the sale of flood insurance—for properties and infrastructure within the CBRS is generally restricted. By expanding the geographic coverage of the CBRS, the bill would reduce, relative to CBO’s projections under current law, the number of properties in those new areas that would be eligible for coverage under the National Flood Insurance Program (NFIP).

H.R. 5490 also would increase the number of properties that could newly purchase flood insurance because the map changes would remove about 900 existing residential structures from the CBRS. On net, and using information from the Federal Emergency Management Agency, CBO estimates that the number of properties participating in the NFIP would increase slightly under the bill. As a result, collections of fees and premiums for the NFIP would increase by less than \$500,000 annually. Those collections, which are recorded as reductions in direct spending, would mostly be offset by increases in mandatory spending for underwriting, administrative expenses, and new flood insurance claims. CBO estimates that enacting H.R. 5490 would reduce net direct spending by an insignificant amount over the 2024–2034 period.

Uncertainty: CBO’s estimates of the number of property owners who would become eligible for federal flood insurance under the bill and the portion of those owners who would purchase insurance from the NFIP are uncertain. Additionally, CBO cannot predict with certainty how many structures will be built in the future within areas that would be added to the CBRS; owners of those structures generally would be ineligible for flood insurance. The effect on direct spending could be higher or lower than CBO estimates depending on the number of properties affected and the decisions made by those property owners.

Pay-As-You-Go considerations: The Statutory Pay-As-You-Go Act of 2010 establishes budget-reporting and enforcement procedures for legislation affecting direct spending or revenues. CBO estimates that enacting the bill would decrease direct spending by less than \$500,000 over the 2024–2034 period.

Increase in long-term net direct spending and deficits: CBO estimates that enacting H.R. 5490 would not increase net direct spending or deficits in any of the four consecutive 10-year periods beginning in 2035.

Mandates: H.R. 5490 would impose intergovernmental and private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). The bill would require owners or lessors of property within the CBRS to notify prospective buyers or lessees that a property is located within the system—a provision of the bill that CBO assumes would apply to publicly owned and privately owned land. Because maps of the CBRS are readily available, CBO estimates that the cost of the mandates would be under the thresholds established in UMRA for intergovernmental and private-sector mandates (\$100 million and \$200 million in 2024, respectively, adjusted annually for inflation).

Previous CBO estimate: On March 18, 2024, CBO transmitted a cost estimate for S. 2958, the Strengthening Coastal Communities Act of 2023, as reported by the Senate Committee on Environment and Public Works on September 27, 2023. The two bills are similar and CBO’s estimates of their effects on direct spending are the same. Differences between the estimated cost of spending subject to appropriation reflect differences in the amounts authorized to be appropriated in each bill.

Estimate prepared by: Federal costs: Willow Latham-Proença (for the U.S. Fish and Wildlife Service), Jon Sperl (for the Federal Emergency Management Agency), Mandates: Grace Watson.

Estimate reviewed by: Justin Humphrey, Chief, Finance, Housing, and Education Cost Estimates Unit; Robert Reese, Chief, Natural and Physical Resources Cost Estimates Unit; Kathleen Fitzgerald, Chief, Public and Private Mandates Unit; H. Samuel Papenfuss, Deputy Director of Budget Analysis.

Estimate approved by: Phillip L. Swagel, Director, Congressional Budget Office.

2. *General Performance Goals and Objectives.* As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to amend the Coastal Barrier Resources Act to expand the John H. Chafee Coastal Barrier Resources System, and for other purposes.

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

According to the Congressional Budget Office (CBO), H.R. 5490 would impose intergovernmental and private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). However, CBO estimates that the cost of these mandates would be under the thresholds established in UMRA.

EXISTING PROGRAMS

Directed Rule Making. This bill does not contain any directed rule makings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95–220, as amended by Public Law 98–169) as relating to other programs.

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 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 italics, and 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) The term “undeveloped coastal barrier” means—

[(A) a depositional geologic feature (such as a bay barrier, tombolo, barrier spit, or barrier island) that—

[(i) is subject to wave, tidal, and wind energies, and

[(ii) protects landward aquatic habitats from direct wave attack; and

[(B) all associated aquatic habitats including the adjacent wetlands, marshes, estuaries, inlets, and nearshore waters;

but only if such features and associated habitats contain few man-made structures and these structures, and man's activities on such features and within such habitats, do not significantly impede geomorphic and ecological processes.

[(2) The term "Committees" means the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate.

[(3) The term "financial assistance" means any form of loan, grant, guaranty, insurance, payment, rebate, subsidy, or any other form of direct or indirect Federal assistance other than—

[(A) deposit or account insurance for customers of banks, savings and loan associations, credit unions, or similar institutions;

[(B) the purchase of mortgages or loans by the Government National Mortgage Association, the Federal National Mortgage Association, or the Federal Home Loan Mortgage Corporation;

[(C) assistance for environmental studies, planning, and assessments that are required incident to the issuance of permits or other authorizations under Federal law; and

[(D) assistance pursuant to programs entirely unrelated to development, such as any Federal or federally assisted public assistance program or any Federal old-age survivors or disability insurance program.

Such term includes flood insurance described in section 1321 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4028).

[(4) The term "Great Lakes" means Lake Ontario, Lake Erie, Lake Huron, Lake St. Clair, Lake Michigan, and Lake Superior, to the extent that those lakes are subject to the jurisdiction of the United States.

[(5) The term "Secretary" means the Secretary of the Interior.

[(6) The term "System" means the John H. Chafee Coastal Barrier Resources System established by section 4(a).

[(7) The term "System unit" means any undeveloped coastal barrier, or combination of closely-related undeveloped coastal barriers, included within the John H. Chafee Coastal Barrier Resources System established by section 4.]

SEC. 3. DEFINITIONS.

(a) *IN GENERAL.—For purposes of this Act:*

(1) *COASTAL BARRIER.—The term "coastal barrier" means—*

(A) *a depositional geologic feature (such as a bay barrier, tombolo, barrier spit, bluff, or barrier island) that—*

(i) *is subject to wave, tidal, and wind energies; and*

(ii) *protects landward aquatic habitats from direct wave attack; and*

(B) *all associated aquatic habitats including the adjacent wetlands, marshes, estuaries, inlets, and nearshore waters.*

(2) *COMMITTEES.*—The term “Committees” means the Committee on Natural Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(3) *FINANCIAL ASSISTANCE.*—

(A) *IN GENERAL.*—The term “financial assistance” means any form of loan, grant, guaranty, insurance, payment, rebate, subsidy, or any other form of direct or indirect Federal assistance other than—

(i) deposit or account insurance for customers of banks, savings and loan associations, credit unions, or similar institutions;

(ii) the purchase of mortgages or loans by the Government National Mortgage Association, the Federal National Mortgage Association, or the Federal Home Loan Mortgage Corporation;

(iii) assistance for environmental studies, planning, and assessments that are required incident to the issuance of permits or other authorizations under Federal law; and

(iv) assistance pursuant to programs entirely unrelated to development, such as any Federal or federally assisted public assistance program or any Federal old-age survivors or disability insurance program.

(B) *FLOOD INSURANCE.*—The term “financial assistance” includes flood insurance described in section 1321 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4028).

(4) *GREAT LAKES.*—The term “Great Lakes” means Lake Ontario, Lake Erie, Lake Huron, Lake St. Clair, Lake Michigan, and Lake Superior, to the extent that those lakes are subject to the jurisdiction of the United States.

(5) *OTHERWISE PROTECTED AREA.*—

(A) *IN GENERAL.*—The term “Otherwise Protected Area” means any unit of the System that, at the time of designation, was predominantly composed of areas established under Federal, State, or local law, or held by a qualified organization, primarily for wildlife refuge, wildlife sanctuary, recreational, or natural resource conservation purposes.

(B) *QUALIFIED ORGANIZATION.*—For purposes of subparagraph (A), the term “qualified organization” has the meaning given the term in section 170(h)(3) of the Internal Revenue Code of 1986.

(6) *SECRETARY.*—The term “Secretary” means the Secretary of the Interior.

(7) *SYSTEM.*—The term “System” means the John H. Chafee Coastal Barrier Resources System established under section 4(a).

(8) *SYSTEM UNIT.*—The term “System unit” means any undeveloped coastal barrier, or combination of closely-related undeveloped coastal barriers, included within the John H. Chafee Coastal Barrier Resources System established under section 4(a).

(9) *UNDEVELOPED COASTAL BARRIER.*—*The term “undeveloped coastal barrier” means a coastal barrier the features and associated habitats of which contain few manmade structures and these structures, and man’s activities on such features and within such habitats, do not significantly impede geomorphic and ecological processes.*

(b) *SAVINGS CLAUSE.*—*Nothing in this section supersedes the official maps described in section 4(a).*

SEC. 4. ESTABLISHMENT OF JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM.

[(a) *ESTABLISHMENT.*—There is established the John H. Chafee 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 those maps may be replaced, replaced, modified, revised, or corrected under—

[(1) subsection (f)(3);

[(2) section 4 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note; Public Law 101–591); or

[(3) any other provision of law enacted on or after November 16, 1990, that specifically replaces such a map or replaces such a map or authorizes the modification, revision, or correction.]

(a) *ESTABLISHMENT.*—*There is established the John H. Chafee 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 as System units or Otherwise Protected Areas—*

(1) *on the maps on file with the Secretary entitled “Coastal Barrier Resources System”, dated October 24, 1990;*

(2) *on a map described in section 201(b) of the Bolstering Ecosystems Against Coastal Harm Act; or*

(3) *on a map described in paragraph (1) or (2) as such map may be replaced, modified, revised, or corrected under—*

(A) *subsection (f)(3);*

(B) *section 4 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note); or*

(C) *any other provision of law enacted on or after November 16, 1990, that specifically replaces or authorizes the modification, revision, or correction of such a map.*

(b) *SYSTEM MAPS.*—

(1) *IN GENERAL.*—The Secretary shall keep the maps referred to in subsection (a) on file and available for public inspection in the Office of the Director of the United States Fish and Wildlife Service, and in such other offices of that service as the Director considers appropriate.

(2) *DIGITAL MAPS.*—

(A) *AVAILABILITY.*—The Secretary shall make available to the public on the Internet web site of the United States Fish and Wildlife Service digital versions of the maps included in the set of maps referred to in subsection (a).

(B) *EFFECT.*—Any determination as to whether a location is inside or outside the System shall be made without regard to the digital maps available under this paragraph, except that this subparagraph does not apply with respect

to any printed version of such a digital map if the printed version is included in the maps referred to in subsection (a).

(C) REPORT.—No later than 180 days after the date of the enactment of the Strengthening Coastal Communities Act of 2018, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate a report regarding the progress and challenges in the transition from paper to digital maps and a timetable for completion of the digitization of all maps related to the System.

(2) DIGITAL MAPS.—

(A) AVAILABILITY.—The Secretary shall make available to the public on the Internet web site of the United States Fish and Wildlife Service digital versions of the maps included in the set of maps referred to in subsection (a).

(B) EFFECT.—Any determination as to whether a location is inside or outside the System shall be made without regard to the digital maps available under this paragraph, except that this subparagraph does not apply with respect to any printed version of such a digital map if the printed version is included in the maps referred to in subsection (a).

(C) REPORT.—No later than 180 days after the date of the enactment of John D. Dingell, Jr. Conservation, Management, and Recreation Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate a report regarding the progress and challenges in the transition from paper to digital maps and a timetable for completion of the digitization of all maps related to the System.

(c) BOUNDARY REVIEW AND MODIFICATION.—At least once every 5 years, the Secretary shall review the maps referred to in subsection (a) and shall make, in consultation with the appropriate State, local, and Federal officials, such minor and technical modifications to the boundaries of System units as are necessary solely to reflect changes that have occurred in the size or location of any System unit as a result of natural forces.

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

- (1) the owner of the parcel requests, in writing, that the Secretary add the parcel to the System; and
- (2) the parcel is an undeveloped coastal barrier.

(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 determina-

tion. 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) 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) **MAPS.**—The Secretary shall—

(1) keep a map showing the location of each boundary modification made under subsection (c) and of each parcel of real property added to the System under subsection (d) or (e) on file and available for public inspection in the Office of the Director of the United States Fish and Wildlife Service and in such other offices of the Service as the Director considers appropriate;

(2) provide a **【copy of the map】** *notification of the availability of the map* to—

(A) the State and unit of local government in which the property is located;

(B) the Committees; and

(C) the Federal Emergency Management Agency; and

(3) revise the maps referred to in subsection (a) to reflect each boundary modification under subsection (c) and each addition of real property to the System under subsection (d) or (e), after publishing in the Federal Register a notice of any such proposed revision.

(g) **GUIDELINES FOR CERTAIN RECOMMENDATIONS AND DETERMINATIONS.**—

(1) **IN GENERAL.**—In making any recommendation to the Congress regarding the addition of any area to the System or in determining whether, at the time of the inclusion of a System unit within the System, a coastal barrier is undeveloped, the Secretary shall consider whether within the area—

(A) the density of development is less than 1 structure per 5 acres of land above mean high tide; and

(B) there is existing infrastructure consisting of—

(i) a road, with a reinforced road bed, to each lot or building site in the area;

(ii) a wastewater disposal system sufficient to serve each lot or building site in the area;

(iii) electric service for each lot or building site in the area; and

(iv) a fresh water supply for each lot or building site in the area.

(2) **STRUCTURE DEFINED.**—In paragraph (1), the term “structure” means a walled and roofed building, other than a gas or liquid storage tank, that—

(A) is principally above ground and affixed to a permanent site, including a manufactured home on a permanent foundation; and

(B) covers an area of at least 200 square feet.

(3) SAVINGS CLAUSE.—Nothing in this subsection supersedes the official maps referred to in subsection (a).

SEC. 5. LIMITATIONS ON FEDERAL EXPENDITURES AFFECTING THE SYSTEM.

(a) Except as provided in section 6, no new expenditures or new financial assistance may be made available under authority of any Federal law for any purpose within the System, including, but not limited to—

(1) the construction or purchase of any structure, appurtenance, facility, or related infrastructure;

(2) the construction or purchase of any road, airport, boat landing facility, or other facility on, or bridge or causeway, to any System unit; and

(3) the carrying out of any project to prevent the erosion of, or to otherwise stabilize, any inlet, shoreline, or inshore area, except that such assistance and expenditures may be made available on units designated pursuant to section 4 on maps numbered S01 through S08 and LA07 for purposes other than encouraging development and, in all units, in cases where an emergency threatens life, land, and property immediately adjacent to that unit.

(b) An expenditure or financial assistance made available under authority of Federal law shall, for purposes of this Act, be a new expenditure or new financial assistance if—

(1) in any case with respect to which specific appropriations are required, no money for construction or purchase purposes was appropriated before the date on which the relevant System unit or portion of the System unit was included within the System under this Act or the Coastal Barrier Improvement Act of 1990; or

(2) no legally binding commitment for the expenditure or financial assistance was made before such date.

(c) *DISCLOSURE OF LIMITATIONS.*—*Not later than 2 years after the date of the enactment of the Bolstering Ecosystems Against Coastal Harm Act, the Secretary, in consultation with the Secretary of Housing and Urban Development, shall issue regulations requiring the owner or lessor of real property located in a community affected by this Act, as determined by the Director of the United States Fish and Wildlife Service, to disclose to a prospective buyer or lessee such location of such real property.*

SEC. 6. EXCEPTIONS TO LIMITATIONS ON EXPENDITURES.

(a) **IN GENERAL.**—Notwithstanding section 5, the appropriate Federal officer, after consultation with the Secretary, may make Federal expenditures and may make financial assistance available within the System for the following:

(1) Any use or facility necessary for the exploration, extraction, or transportation of energy resources which can be carried out only on, in, or adjacent to a coastal water area because the use or facility requires access to the coastal water body.

(2) The maintenance or construction of improvements of existing Federal navigational channels (including the Intracoastal Waterway) and related structures (such as jetties), including the disposal of dredge materials related to such maintenance or construction.

(3) The maintenance, replacement, reconstruction, or repair, but not the expansion, of publicly owned or publicly operated roads, structures, or facilities that are essential links in a larger network or system.

(4) Military activities essential to national security.

(5) The construction, operation, maintenance, and rehabilitation of Coast Guard facilities and access thereto.

(6) Any of the following actions or projects, if a particular expenditure or the making available of particular assistance for the action or project is consistent with the purposes of this Act:

(A) Projects for the study, management, protection, and enhancement of fish and wildlife resources and habitats, including acquisition of fish and wildlife habitats and related lands, stabilization projects for fish and wildlife habitats, and recreational projects.

(B) Establishment, operation, and maintenance of air and water navigation aids and devices, and for access thereto.

(C) Projects under chapter 2003 of title 54, United States Code, and the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.).

(D) Scientific research, including aeronautical, atmospheric, space, geologic, marine, fish and wildlife, and other research, development, and applications.

[(E) Assistance for emergency actions essential to the saving of lives and the protection of property and the public health and safety, if such actions are performed pursuant to sections 402, 403, and 502 of the Disaster Relief and Emergency Assistance Act and section 1362 of the National Flood Insurance Act of 1968 (42 U.S.C. 4103) and are limited to actions that are necessary to alleviate the emergency.]

(E) Emergency actions necessary to the saving of lives and the protection of property and the public health and safety, if such actions are performed pursuant to sections 402, 403, 407, and 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170a, 5170b, 5173, 5192) and are limited to actions that are necessary to alleviate the applicable emergency.

(F) Maintenance, replacement, reconstruction, or repair, but not the expansion (except with respect to United States route 1 in the Florida Keys), of publicly owned or publicly operated roads, structures, and facilities.

(G) Nonstructural projects for shoreline stabilization that are designed to mimic, enhance, or restore a natural stabilization system.

(b) EXISTING FEDERAL NAVIGATION CHANNELS.—For purposes of subsection (a)(2), a Federal navigation channel or a related structure is an existing channel or structure, respectively, if it was authorized before the date on which the relevant System unit or portion of the System unit was included within the System.

(c) EXPANSION OF HIGHWAYS IN MICHIGAN.—The limitations on the use of Federal expenditures or financial assistance within the System under subsection (a)(3) shall not apply to a highway—

(1) located in a unit of the System in Michigan; and

(2) in existence on the date of the enactment of the Coastal Barrier Improvement Act of 1990.

(d) SERVICES AND FACILITIES OUTSIDE SYSTEM.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3) of this subsection, limitations on the use of Federal expenditures or financial assistance within the System under section 5 shall not apply to expenditures or assistance provided for services or facilities and related infrastructure located outside the boundaries of unit T-11 of the System (as depicted on the maps referred to in section 4(a)) which relate to an activity within that unit.

(2) PROHIBITION OF FLOOD INSURANCE COVERAGE.—No new flood insurance coverage may be provided under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.) for any new construction or substantial improvements relating to services or facilities and related infrastructure located outside the boundaries of unit T-11 of the System that facilitate an activity within that unit that is not consistent with the purposes of this Act.

(3) PROHIBITION OF HUD ASSISTANCE.—

(A) IN GENERAL.—No financial assistance for acquisition, construction, or improvement purposes may be provided under any program administered by the Secretary of Housing and Urban Development for any services or facilities and related infrastructure located outside the boundaries of unit T-11 of the System that facilitate an activity within that unit that is not consistent with the purposes of this Act.

(B) DEFINITION OF FINANCIAL ASSISTANCE.—For purposes of this paragraph, the term “financial assistance” includes any contract, loan, grant, cooperative agreement, or other form of assistance, including the insurance or guarantee of a loan, mortgage, or pool of mortgages.

(e) APPLICABILITY TO OTHERWISE PROTECTED AREAS.—

(1) IN GENERAL.—*The prohibitions on new Federal expenditures and financial assistance described in section 5(a) do not apply within Otherwise Protected Areas except with respect to limitations on new flood insurance coverage described in section 1321 of the National Flood Insurance Act of 1968 (42 U.S.C. 4028).*

(2) EXCEPTION.—*Notwithstanding paragraph (1), new Federal flood insurance may be provided for a structure in an Otherwise Protected Area that is used in a manner consistent with the purpose for which such Otherwise Protected Area is protected.*

(f) APPLICABILITY TO ADDITIONS AND INSURABLE STRUCTURES.—

(1) ADDITIONS.—*With respect to an addition to the System made under section 4 on or after the date of the enactment of the Bolstering Ecosystems Against Coastal Harm Act, subject to paragraph (2), the prohibitions on new Federal expenditures and financial assistance described in section 5(a) and section 1321 of the National Flood Insurance Act of 1968 (42 U.S.C. 4028) shall take effect on the date that is 1 year after the date on which such addition is made.*

(2) INSURABLE STRUCTURES.—

(A) *IN GENERAL.*—The prohibitions on new Federal expenditures and financial assistance described in section 5(a) and section 1321 of the National Flood Insurance Act of 1968 (42 U.S.C. 4028) do not apply to an insurable structure.

(B) *INSURABLE STRUCTURE DEFINED.*—In this subsection, the term “insurable structure” means an insurable structure that is—

- (i) located within an addition described in paragraph (1); and
- (ii) in existence before the expiration of the applicable 1-year period described in paragraph (1).

SEC. 7. CERTIFICATION OF COMPLIANCE.

[(a) *REGULATIONS.*—Not later than 12 months after the date of enactment of the Coastal Barrier Improvement Act of 1990, the head of each Federal agency affected by this Act shall promulgate regulations to assure compliance with the provisions of this Act.]

(a) *REGULATIONS.*—Not later than 1 year after the date of the enactment of the Bolstering Ecosystems Against Coastal Harm Act, the head of each Federal agency affected by this Act shall revise or issue regulations and guidance as necessary to ensure compliance with the provisions of this Act.

(b) *CERTIFICATION.*—The head of each Federal agency affected by this Act shall report and certify that each such agency is in compliance with the provisions of this Act. Such reports and certifications shall be submitted annually to the Committees and the Secretary.

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SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary to carry out this Act \$2,000,000 for each of fiscal years 2006 through [2010] 2031.