

Calendar No. 670

108TH CONGRESS }
2d Session }

SENATE

{ REPORT
108-312

THE DINGELL-JOHNSON SPORT FISH RESTORATION ACT

AUGUST 25, 2004.—Ordered to be printed

Filed, under authority of the order of the Senate of July 22, 2004

Mr. INHOFE, from the Committee on Environment and Public Works, submitted the following

REPORT

[To accompany S. 2495]

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works, to which was referred a bill (S. 2495) to amend the Coastal Wetlands, Planning, Protection, and Restoration Act to strike limitations on funding and amend the Dingell-Johnson Sport Fish Restoration Act to extend the period of authorization for certain coastal wetland conservation projects, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

GENERAL STATEMENT AND BACKGROUND

In response to coastal wetland losses, Congress passed the Coastal Wetlands Planning, Protection, and Restoration Act (CWPPRA) that was signed into law in 1990. Commonly referred to as the Breaux Act, named after Senator John Breaux from Louisiana who sponsored the legislation, it ensures that State and Federal moneys are available for coastal restoration and conservation efforts. CWPPRA authorized a Task Force composed of representatives from five Federal agencies (Department of the Army, Environmental Protection Agency, Department of Commerce, Department of the Interior, and Department of Agriculture) and the State of Louisiana to develop a comprehensive approach to restore and prevent the loss of coastal wetlands in Louisiana. The Task Force is responsible for preparing and submitting annually to Congress a priority list of Louisiana coastal wetland restoration projects. Also,

the Task Force is responsible for preparing and submitting triennially to Congress a plan to identify priority projects and a scientific evaluation of the effectiveness of such projects. According to CWPPRA, the goal is to achieve a plan of no net loss of coastal wetlands as a result of future development and to ensure long-term conservation of Louisiana's wetlands. CWPPRA created the Coastal Wetlands Trust Fund to plan and carry out restoration projects in Louisiana and other coastal States. The fund is supported by a tax on small engines and equipment. CWPPRA also allocates a percentage of revenue from the Aquatic Resources Trust Fund to be used for wetlands projects.

The Sport Fish Restoration Program was created in 1950 with the passage of the Dingell–Johnson Act. The Act placed a 10 percent excise tax on some fishing tackle and the moneys are apportioned to the States for use in sport fish restoration projects. The Dingell–Johnson Act was expanded with the Wallop–Breaux Amendments in 1984, which established the Aquatic Resources Trust Fund and also augmented the excise taxes and import duties on fishing equipment, recreational boats and motorboat fuel. The Sport Fish Restoration Program utilizes a variety of funding sources, including excise taxes on fishing tackle and trolling motors, import duties, motor boat and small engine fuel sales, and interest from the Aquatic Resources Trust Fund. These funds are then used for various conservation, boating safety and outreach activities.

OBJECTIVES OF THE LEGISLATION

S. 2495 amends section 306 of the Coastal Wetlands Planning, Protection, and Restoration Act (16 U.S.C. 3955) to strike certain funding limitations that were in place for priority project and conservation planning expenditures, coastal wetlands conservation grants, and North American wetlands conservation.

S. 2495 amends section 4(a) of the Dingell–Johnson Sport Fish Restoration Act (16 U.S.C. 777c(a)) to extend the period of authorization for the Dingell–Johnson Sport Fish Restoration Program until the fiscal year 2019. The funding authorization for the program was set to expire in 2009.

SECTION-BY-SECTION ANALYSIS

Section 1. Coastal Wetland Conservation Project Funding.

Subsection (a) amends section 306 of the Coastal Wetlands Planning, Protection, and Restoration Act (16 U.S.C. 3955) to strike certain limitations on funding for priority project and conservation planning expenditures, coastal wetlands conservation grants, and North American wetlands conservation.

Subsection (b) amends section 4(a) of the Dingell–Johnson Sport Fish Restoration Act (16 U.S.C. 777c(a)) to extend the period of authorization for the Dingell–Johnson Sport Fish Restoration Program until fiscal year 2019.

LEGISLATIVE HISTORY

On June 3, 2004, Senator John Breaux introduced S. 2495. The bill was referred to the Senate Committee on Environment and Public Works. A full committee business meeting was held on June 23, 2004, and the committee ordered S. 2495 to be reported to the full Senate by voice vote without amendments.

HEARINGS

There were no hearings held on S. 2495 during the 108th Congress.

ROLLCALL VOTES

The Committee on Environment and Public Works met to consider S. 2495 on June 23, 2004. The committee voted favorably to report S. 2495 by voice vote without amendments.

REGULATORY IMPACT STATEMENT

In compliance with section 11(b) of rule XXVI of the Standing Rules of the Senate, the committee makes evaluation of the regulatory impact of the reported bill.

The bill does not create any additional regulatory burdens, nor will it cause any adverse impact on the personal privacy of individuals.

MANDATES ASSESSMENT

In compliance with the Unfunded Mandates Reform Act of 1995 (Public Law 104-4), the committee finds that S. 2495 would not impose Federal intergovernmental unfunded mandates on State, local, or tribal governments.

COST OF LEGISLATION

Section 403 of the Congressional Budget and Impoundment Control Act requires that a statement of the cost of the reported bill, prepared by the Congressional Budget Office, be included in the report. That statement follows:

 CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 2495, a bill to strike limitations on funding and extend the period of authorization for certain coastal wetlands conservation projects, as ordered reported by the Senate Committee on Environment and Public Works on June 23, 2004.

S. 2495 would extend through fiscal year 2019 the authorization for programs carried out by the U.S. Fish and Wildlife Service and the Army Corps of Engineers under the Coastal Wetlands Planning, Protection and Restoration Act (CWPPRA). (Under current law, authorization for the three programs will expire after fiscal year 2009.) The bill also would eliminate the \$100 million cap on funding for these programs.

Coastal wetland projects and other programs such as sport fish restoration and boating safety grants are financed by excise taxes

and other collections deposited into the Aquatic Resources Trust Fund (ARTF). Each program receives direct spending authority equal to a specified allocation of the fund's income. For CWPPRA programs, the allocation is the greater of the previous year's excise taxes on fuels used in small engines or 18 percent of that year's total ARTF deposits (up to \$100 million a year). For 2004, CBO expects that CWPPRA programs will receive about \$85 million, about 18 percent of ARTF resources.

CBO estimates that the changes made by S. 2495 would have no net effect on the Federal budget because the extension of CWPPRA programs and the elimination of the \$100 million annual cap on funding would not change total spending from the ARTF. Without reauthorization of CWPPRA programs, funding would be reallocated to other ARTF programs after 2009. Eliminating the annual cap on funding for coastal wetlands projects would increase the relative share of ARTF funding received by CWPPRA programs after 2008, but would not change total spending from the fund.

S. 2495 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on State, local, or tribal governments. The CBO staff contact for this estimate is Deborah Reis. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

CHANGES IN EXISTING LAW

In compliance with section 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill as reported are shown as follows: Existing law proposed to be omitted is enclosed in [black brackets], new matter is printed in *italic*, existing law in which no change is proposed is shown in roman:

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[16 U.S.C. 777C—NOV. 29, 1990]

DINGELL—JOHNSON SPORT FISH RESTORATION ACT

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SEC. 777c. Division of annual appropriations

(a) Initial distribution

The Secretary of the Interior shall distribute 18 per centum of each annual appropriation made in accordance with the provisions of section 777b of this title as provided in the Coastal Wetlands Planning, Protection, and Restoration Act (title III, Public Law 101–646) (16 U.S.C. 3951 et seq.). Notwithstanding the provisions of section 777b of this title, such sums shall remain available to carry out such Act through fiscal year [2009] 2019.

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[16 U.S.C. 3955—NOV. 29, 1990]

COASTAL WETLANDS PLANNING, PROTECTION, AND RESTORATION ACT

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SEC. 3955. Distribution of appropriations

(a) Priority project and conservation planning expenditures

Of the total amount appropriated during a given fiscal year to carry out this chapter, 70 percent[, not to exceed \$70,000,000,] shall be available, and shall remain available until expended, for the purposes of making expenditures—

* * * * *

(b) Coastal wetlands conservation grants

Of the total amount appropriated during a given fiscal year to carry out this chapter, 15 percent[, not to exceed \$15,000,000] shall be available, and shall remain available to the Director, for purposes of making grants—

* * * * *

(c) North American wetlands conservation

Of the total amount appropriated during a given fiscal year to carry out this chapter, 15 percent[, not to exceed \$15,000,000,] shall be available to, and shall remain available until expended by, the Secretary of the Interior for allocation to carry out wetlands conservation projects in coastal wetlands ecosystems in any coastal State under section 4407 of this title.

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