

COASTAL BARRIER RESOURCES REAUTHORIZATION ACT
OF 2005

APRIL 25, 2006.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. POMBO, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany S. 1869]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (S. 1869) to reauthorize the Coastal Barrier Resources Act, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of S. 1869 is to reauthorize the Coastal Barrier Resources Reauthorization Act, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

Coastal barriers are natural landscape features that protect the mainland, lagoons, wetlands and salt marshes from the full force of wind, wave and tidal energy. Major types of coastal barriers include fringing mangroves, tombolos, barrier islands, barrier spits and bay barriers. Composed of sand and other loose sediments, these elongated, narrow land forms are dynamic ecosystems and prone to frequent disruption by storms. They are the first line of defense against the strong winds, huge waves and powerful storm surges that accompany hurricanes. Coastal barriers provide habitat for a variety of wildlife and they are an important recreational resource. Despite their vulnerability, these areas are attractive places to locate private homes and resorts.

The John H. Chafee Coastal Barrier Resources System is made up of coastal barrier units which are delineated on maps adopted by Congress. These units consist of undeveloped sections of coastal

barrier islands and the associated aquatic habitat which lies behind these barriers. The System was created by the Coastal Barrier Resources Act of 1982 (CBRA) and was expanded by amendments adopted in the Coastal Barrier Improvement Act of 1990. CBRA is administered by the Secretary of the Interior, acting through the Director of the U.S. Fish and Wildlife Service. Appropriations for CBRA were last reauthorized in 2000.

The Coastal Barrier Resources System was initially comprised of 186 units totaling 666 miles of shoreline and 452,834 acres of undeveloped, unprotected coastal barriers on the Atlantic and Gulf of Mexico coasts. Except for very minor technical changes to account for natural accretion and erosion, boundaries cannot be adjusted and units cannot be added or deleted from the System unless Congress passes a law adopting revised maps. Today, the entire System including otherwise protected areas has 856 units and more than 3 million acres of fastland and associated aquatic habitat.

The Coastal Barrier Resources Reauthorization Act of 2000 (Public Law 106-514) directed the U.S. Fish and Wildlife Service to conduct a digital mapping pilot study to produce digital maps of up to 75 CBRA areas and to estimate the cost and feasibility of completing digital maps for the entire System. The legislation also reauthorized appropriations for the System at \$2 million per fiscal year until September 30, 2005. It authorized private landowners to voluntarily include property in the System and it required an economic assessment of the System within one year of enactment. The assessment was completed in August 2002 and concluded that the System provided an estimated \$1.27 billion in savings to the Treasury by restricting federal spending for disaster relief and development assistance for roads, portable water supplies, and wastewater infrastructure from 1983 to 2010.

Inclusion of property in the System does not prevent private development of land nor does it prevent actions necessary to process and issue federal permits necessary for development. However, it does place significant restrictions on the availability of any new federal assistance to develop the property. Of particular importance, after October 1, 1983, no new federal flood insurance can be issued for properties in the System. For those homeowners within the System who were issued flood insurance policies before the deadline, the policies will remain in force. However, if the property is damaged more than 50 percent of its value, and a claim is placed, the claim will be paid but the insurance policy cannot be renewed. In addition, if an insured structure in the System is substantially expanded or replaced with more intensive development, insurance coverage is lost.

In addition to the federal flood insurance limitation, CBRA prohibits most new federal expenditures and financial assistance, if those expenditures encourage development. This would include funds for certain types of disaster relief, community block grants, Federal Home Administration housing loans, water systems and wastewater treatment grants, flood control and beach erosion projects, highway construction projects and other types of direct and indirect federal financial assistance. The Fish and Wildlife Service's economic analysis indicates that this policy to prohibit federal development subsidies has dampened, if not prevented, development within many but not all units in the System.

This legislation would extend the authorization of appropriations at their existing levels until September 30, 2010; authorize funds to complete within two years a public review process and the digital mapping pilot project mandated by the Coastal Barrier Resources Reauthorization Act of 2000; authorize the Secretary of the Interior to create digital versions of all of the Coastal Barrier Resources System maps; and require a report to the Congress describing the progress made to complete the mapping of each of the remaining units.

COMMITTEE ACTION

S. 1869 was introduced on October 17, 2005, by Senator James Inhofe (R-OK). It was passed by the Senate by unanimous consent on December 16, 2005. The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Fisheries and Oceans. On November 8, 2005, the Subcommittee held a hearing on the House version of this legislation. On March 29, 2006, the Full Resources Committee met to consider the bill. The Subcommittee on Fisheries and Oceans was discharged from further consideration of the bill by unanimous consent. No amendments were offered and the bill was ordered favorably reported to the House of Representatives by unanimous consent.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

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

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. **Cost of Legislation.** Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. **Congressional Budget Act.** As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. **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 reauthorize the Coastal Barrier Resources Act, and for other purposes.

4. **Congressional Budget Office Cost Estimate.** Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and

section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

S. 1869—Coastal Barrier Resources Reauthorization Act of 2005

Summary: S. 1869 would authorize appropriations for the U.S. Fish and Wildlife Service (USFWS) to carry out the coastal barrier resources program. Assuming appropriation of the amounts authorized by the bill, CBO estimates that the USFWS would spend \$16 million over the 2006–2010 period. Enacting S. 1869 would not affect direct spending or revenues.

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

Estimated cost to the Federal Government: S. 1869 would authorize the appropriation of \$2 million for each of fiscal years 2006 through 2010 to the USFWS for mapping the coastal barrier resources system. (Authorizations for the program expired at the end of fiscal year 2005.) The bill also would authorize appropriations of \$500,000 a year for 2006 and 2007 to complete an existing pilot project on digital mapping and \$1 million a year through 2010 to create digital versions of all maps of the coastal barrier system.

The estimated budgetary impact of S. 1869 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment). For this estimate, CBO assumes that the entire amounts authorized by the bill will be appropriated for each fiscal year. Estimated outlays are based on historical spending patterns for this program.

	By fiscal year, in millions of dollars—					
	2006	2007	2008	2009	2010	2011
CHANGES IN SPENDING SUBJECT TO APPROPRIATION ^a						
Authorization Level	4	4	3	3	3	0
Estimated Outlays	1	4	4	4	4	0

^a Some or all of the authorized spending for 2006 could come from funds already provided in the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109–54).

Intergovernmental and private-sector impact: S. 1869 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Previous CBO estimate: On November 14, 2005, CBO transmitted a cost estimate for S. 1869 as ordered reported by the Senate Committee on Environment and Public Works on October 26, 2005. The two versions of the legislation are identical. Estimated outlays for the House version are lower in 2006 to reflect our assumption that the legislation will be enacted later in the fiscal year than assumed in last fall's estimate.

Estimate prepared by: Federal Costs: Deborah Reis. Impact on State, Local, and Tribal Governments: Marjorie Miller. Impact on the Private Sector: Craig Cammarata.

Estimate approved by: Peter H. Fontaine Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

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

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

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

**SECTION 10 OF THE COASTAL BARRIER RESOURCES
ACT**

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 **【2001, 2002, 2003, 2004, and 2005】** *2006 through 2010*.

