

COASTAL STATE CLIMATE PREPAREDNESS ACT OF 2019

NOVEMBER 15, 2019.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 3541]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 3541) to amend the Coastal Zone Management Act of 1972 to require the Secretary of Commerce to establish a coastal climate change adaptation preparedness and response program, 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 H.R. 3541 is to amend the Coastal Zone Management Act of 1972 to require the Secretary of Commerce to establish a coastal climate change adaptation preparedness and response program, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

Climate change is impacting coastal communities around the country. Impacts of climate change vary across regions, making awareness of local vulnerabilities critical for mitigation efforts. Adaptation plans can help states and communities better understand their local risk to climate change, thereby enabling them to successfully anticipate, plan, and adapt to changing conditions.

H.R. 3541 designates funds specifically to be used for climate preparedness planning under the Coastal Zone Management Act (CZMA). The CZMA provides a number of avenues through which states and local communities can address the impacts of climate change and ensure that access to key coastal areas is protected in the face of rising seas and other threats from climate change.

Through its various provisions, the CZMA authorizes participating states to submit their coastal management program to the Secretary of Commerce for approval and authorizes grants to implement these programs. States are also authorized to purchase ecologically sensitive coastal areas and redevelop urban waterfronts. The CZMA establishes funds that provide loans to address regional issues and respond to emergencies and disasters and enhance the environment and resilience of the coastal zone.

H.R. 3541 creates a new section under the CZMA to provide technical and financial assistance for climate adaptation preparedness and response. Comprehensive adaptation plans through the CZMA will help states better understand the scope of the threat, identify state-wide costs, and develop local strategies to ensure safety for their residents.

COMMITTEE ACTION

H.R. 3541 was introduced on June 27, 2019, by Representative Salud Carbajal (D-CA). The bill was referred solely to the Committee on Natural Resources, and within the Committee to the Subcommittee on Water, Oceans, and Wildlife. On July 25, 2019, the Subcommittee on Water, Oceans, and Wildlife held a hearing on the bill. On September 25, 2019, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. No amendments were offered. The bill was ordered favorably reported to the House of Representatives by a roll call vote of 20 yeas and 15 nays, as follows:

Date: September 25, 2019

COMMITTEE ON NATURAL RESOURCES
116th Congress - Roll Call

Bill / Motion: H.R. 3541

Amendment:

Disposition: Final Passage: H.R. 3541 was adopted and ordered favorably reported to the House of Representatives by a roll call vote of 20 yeas and 15 nays.

	DEM. MEMBERS (25)	YEAS	NAYS	PRESENT
1	Mr. Brown, MD	X		
2	Mr. Cartwright, PA	X		
3	Mr. Case, HI	X		
4	Mr. Clay, MO			
5	Mr. Costa, CA	X		
6	Mr. Cox, CA	X		
7	Mr. Cunningham, SC	X		
8	Ms. DeGette, CO			
9	Mrs. Dingell, MI	X		
10	Mr. Gallego, AZ	X		
11	Mr. Grijalva, AZ (<i>Chair</i>)	X		
12	Ms. Haaland, NM	X		
13	Mr. Horsford, NV			
14	Mr. Huffman, CA	X		
15	Mr. Levin, CA	X		
16	Mr. Lowenthal, CA	X		
17	Mr. McEachin, VA			
18	Ms. Napolitano, CA	X		
19	Mr. Neguse, CO	X		
20	Mr. Sablan, CNMI	X		
21	Mr. San Nicolas, GU			
22	Mr. Soto, FL	X		
23	Mr. Van Drew, NJ	X		
24	Mr. Tonko, NY	X		
25	Ms. Velázquez, NY	X		
	REP. MEMBERS (19)	Y	N	P
1	Mr. Bishop, UT (<i>Ranking</i>)		X	
2	Ms. Cheney, WY			
3	Mr. Cook, CA		X	
4	Mr. Curtis, UT		X	
5	Mr. Fulcher, ID		X	
6	Mr. Gohmert, TX		X	
7	Ms. González-Colón, PR		X	
8	Mr. Gosar, AZ		X	
9	Mr. Graves, LA			
10	Mr. Hern, OK		X	
11	Mr. Hice, GA		X	
12	Mr. Johnson, LA		X	
13	Mr. Lamborn, CO		X	
14	Mr. McClintock, CA		X	
15	Mrs. Radewagen, AS			
16	Mr. Webster, FL		X	
17	Mr. Westerman, AR		X	
18	Mr. Wittman, VA		X	
19	Mr. Young, AK			
	TOTALS	20	15	
	Total: 44 / Quorum: 15 / Report: 23	YEAS	NAYS	PRESENT

HEARINGS

For the purposes of section 103(i) of H. Res. 6 of the 116th Congress, the following hearing was used to develop or consider H.R. 3541: the Subcommittee on Water, Oceans, and Wildlife held a legislative hearing on July 25, 2019.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 2. This section amends the CZMA to create a Climate Change Adaptation Preparedness and Response Program. The program provides technical and financial support for states with coastal zone management plans to develop comprehensive coastal climate change adaptation plans.

Plans must: (1) identify resources, facilities, and coastal water uses likely to be impacted by climate change; (2) develop adaptive management strategies for land use and ocean-based ecosystems and resources to respond to changing conditions; and (3) initiate and maintain long-term monitoring of environmental conditions.

Grants are authorized to any coastal state with an approved climate adaptation plan for the purpose of supporting projects that implement strategies outlined in state adaptation plans. Eligible activities include: (1) activities that address physical disturbances within the coastal zone; (2) monitoring, control, or eradication of invasive species and disease organisms; (3) activities to address the loss, degradation, and fragmentation of wildlife habitats; (4) projects that reduce natural hazards impacts; (5) adapting existing infrastructure; or (6) providing technical training and assistance.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

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

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET ACT

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 29, 2019.

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

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3541, the Coastal State Climate Preparedness Act of 2019.

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

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

H.R. 3541, Coastal State Climate Preparedness Act of 2019			
As ordered reported by the House Committee on Natural Resources on September 25, 2019			
By Fiscal Year, Millions of Dollars	2020	2020-2024	2020-2029
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	6	114	not estimated
Statutory pay-as-you-go procedures apply?	No	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2030?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

H.R. 3541 would authorize the appropriation of whatever amounts are necessary for the National Oceanic and Atmospheric Administration (NOAA) to provide grants to coastal states participating in the Coastal Zone Management (CZM) program to develop and implement plans to adapt to climate change. In 2019, 34 coastal states participated in the program and NOAA allocated \$119 million to the program for grants, technical assistance, and administrative costs.

Because climate resilience is a focus of the CZM program under current law, CBO expects that grants provided under H.R. 3541 would be used to supplement funding provided under the current CZM program for developing the climate resiliency of coastal infrastructure and habitats. CBO also expects that states' participation in the grant programs under H.R. 3541 would be proportionate to their participation in the current CZM program. On that basis, CBO estimates that the additional planning activities called for under the bill would increase the size of the CZM program by around 25 percent.

Using information on the funding provided to the CZM program in 2019 and accounting for anticipated inflation, CBO estimates that implementing the bill would cost \$114 million over the 2020–2024 period, assuming appropriation of the necessary amounts. The costs of the legislation, detailed in Table 1, fall into budget function 300 (natural resources and environment).

TABLE 1.—ESTIMATED INCREASES IN SPENDING SUBJECT TO APPROPRIATION UNDER H.R. 3541

	By fiscal year, millions of dollars—					
	2020	2021	2022	2023	2024	2020–2024
Estimated Authorization	30	31	32	33	34	160

TABLE 1.—ESTIMATED INCREASES IN SPENDING SUBJECT TO APPROPRIATION UNDER H.R. 3541—Continued

	By fiscal year, millions of dollars—					
	2020	2021	2022	2023	2024	2020– 2024
Estimated Outlays	6	18	26	32	32	114

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

2. *General Performance Goals and Objectives.* As required by clause 3(c)(4) of rule XIII, the general performance goals and objectives of this bill are to amend the Coastal Zone Management Act of 1972 to require the Secretary of Commerce to establish a coastal climate change adaptation preparedness and response program.

EARMARK STATEMENT

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

UNFUNDED MANDATES REFORM ACT STATEMENT

This bill contains no unfunded mandates.

EXISTING PROGRAMS

This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139. The Coastal Climate Change Adaptation Planning and Preparedness Grant Program established by the bill is related and complementary to, but not duplicative of, the following programs identified in the most recent Catalog of Federal Domestic Assistance published pursuant to 31 U.S.C. § 6104: Coastal Zone Management Administration Awards (CFDA No. 11.419), Office for Coastal Management (CFDA No. 11.473), and Habitat Conservation (CFDA No. 11.463).

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 italic, and existing law in which no change is proposed is shown in roman):

COASTAL ZONE MANAGEMENT ACT OF 1972

TITLE III—MANAGEMENT OF THE COASTAL ZONE

* * * * *

AUTHORIZATION OF APPROPRIATIONS

SEC. 318. (a) There are authorized to be appropriated to the Secretary, to remain available until expended—

(1) for grants under sections 306, 306A, and 309—

- (A) \$47,600,000 for fiscal year 1997;
 (B) \$49,000,000 for fiscal year 1998; and
 (C) \$50,500,000 for fiscal year 1999; **[and]**

(2) for grants under section 315—

- (A) \$4,400,000 for fiscal year 1997;
 (B) \$4,500,000 for fiscal year 1998; and
 (C) \$4,600,000 for fiscal year 1999**[.]**; *and*

(3) *for grants under section 320, such sums as are necessary.*

(b) Federal funds received from other sources shall not be used to pay a coastal state's share of costs under section 306 or 309.

(c) The amount of any grant, or portion of a grant, made to a State under any section of this Act which is not obligated by such State during the fiscal year, or during the second fiscal year after the fiscal year, for which it was first authorized to be obligated by such State shall revert to the Secretary. The Secretary shall add such reverted amount to those funds available for grants under the section for such reverted amount was originally made available.

* * * * *

CLIMATE CHANGE ADAPTATION PREPAREDNESS AND RESPONSE PROGRAM

SEC. 320. (a) *IN GENERAL.*—*The Secretary shall establish, consistent with the national policies set forth in section 303, a coastal climate change adaptation preparedness and response program to—*

(1) *provide assistance to coastal States to voluntarily develop coastal climate change adaptation plans, pursuant to approved management programs approved under section 306, to minimize contributions to climate change and to prepare for and reduce the negative consequences that may result from climate change in the coastal zone; and*

(2) *provide financial and technical assistance and training to enable coastal States to implement plans developed pursuant to this section through coastal States' enforceable policies.*

(b) *COASTAL CLIMATE CHANGE ADAPTATION PLANNING AND PREPAREDNESS GRANTS.*—

(1) *IN GENERAL.*—The Secretary, subject to the availability of appropriations, may make a grant to any coastal State for the purpose of developing climate change adaptation plans pursuant to guidelines issued by the Secretary under paragraph (8).

(2) *PLAN CONTENT.*—A plan developed with a grant under this subsection shall include the following:

(A) Identification of public facilities and public services, working waterfronts, coastal resources of national significance, coastal waters, energy facilities, or other land and water uses located in the coastal zone that are likely to be impacted by climate change.

(B) Adaptive management strategies for land use to respond or adapt to changing environmental conditions, including strategies to protect biodiversity, protect water quality, and establish habitat buffer zones, migration corridors, and climate refugia.

(C) Adaptive management strategies for ocean-based ecosystems and resources, including strategies to plan for and respond to geographic or temporal shifts in marine resources, to create protected areas that will provide climate refugia, and to maintain and restore ocean ecosystem function.

(D) Requirements to initiate and maintain long-term monitoring of environmental change to assess coastal zone adaptation and to adjust when necessary adaptive management strategies and new planning guidelines to attain the policies under section 303.

(E) Other information considered necessary by the Secretary to identify the full range of climate change impacts affecting coastal communities.

(3) *STATE HAZARD MITIGATION PLANS.*—Plans developed with a grant under this subsection shall be consistent with State hazard mitigation plans and natural disaster response and recovery programs developed under State or Federal law.

(4) *ALLOCATION.*—Grants under this subsection shall be available only to coastal States with management programs approved by the Secretary under section 306 and shall be allocated among such coastal States in a manner consistent with regulations promulgated pursuant to section 306(c).

(5) *PRIORITY.*—In the awarding of grants under this subsection, the Secretary may give priority to any coastal State that has received grant funding to develop program changes pursuant to paragraphs (1), (2), (3), (5), (6), (7), and (8) of section 309(a).

(6) *TECHNICAL ASSISTANCE.*—The Secretary may provide technical assistance to a coastal State consistent with section 310 to ensure the timely development of plans supported by grants awarded under this subsection.

(7) *FEDERAL APPROVAL.*—In order to be eligible for a grant under subsection (c), a coastal State must have its plan developed under this subsection approved by the Secretary.

(8) *GUIDELINES.*—Within 180 days after the date of enactment of this section, the Secretary, in consultation with the coastal States, shall issue guidelines for the implementation of the grant program established under this subsection.

(c) *COASTAL CLIMATE CHANGE ADAPTATION PROJECT IMPLEMENTATION GRANTS.*—

(1) *IN GENERAL.*—*The Secretary, subject to the availability of appropriations, may make grants to any coastal State that has a climate change adaptation plan approved under subsection (b)(7), in order to support projects that implement strategies contained within such plans.*

(2) *PROGRAM REQUIREMENTS.*—*The Secretary, within 90 days after approval of the first plan approved under subsection (b)(7), shall publish in the Federal Register requirements regarding applications, allocations, eligible activities, and all terms and conditions for grants awarded under this subsection. No less than 30 percent, and no more than 50 percent, of the funds appropriated in any fiscal year for grants under this subsection shall be awarded through a merit-based competitive process.*

(3) *ELIGIBLE ACTIVITIES.*—*The Secretary may award grants to coastal States to implement projects in the coastal zone to address stress factors in order to improve coastal climate change adaptation, including the following:*

(A) *Activities to address physical disturbances within the coastal zone, especially activities related to public facilities and public services, tourism, sedimentation, ocean acidification, and other factors negatively impacting coastal waters.*

(B) *Monitoring, control, or eradication of disease organisms and invasive species.*

(C) *Activities to address the loss, degradation, or fragmentation of wildlife habitat through projects to establish or protect marine and terrestrial habitat buffers, wildlife refugia, other wildlife refuges, or networks thereof, preservation of migratory wildlife corridors and other transition zones, and restoration of fish and wildlife habitat.*

(D) *Projects to reduce, mitigate, or otherwise address likely impacts caused by natural hazards in the coastal zone, including sea level rise, coastal inundation, storm water management, coastal erosion and subsidence, severe weather events such as cyclonic storms, tsunamis and other seismic threats, and fluctuating Great Lakes water levels. The Secretary shall give priority to projects that utilize green infrastructure solutions.*

(E) *Projects to adapt existing infrastructure, including enhancements to both built and natural environments.*

(F) *Provision of technical training and assistance to local coastal policy makers to increase awareness of science, management, and technology information related to climate change and adaptation strategies.*

(4) *PROMOTION AND USE OF NATIONAL ESTUARINE RESEARCH RESERVES.*—*The Secretary shall promote and encourage the use of National Estuarine Research Reserves as sites for pilot or demonstration projects carried out with grants awarded under this section.*

DISSENTING VIEWS

Congress enacted the Coastal Zone Management Act (CZMA) to “preserve, protect, develop, and where possible, to restore or enhance the resources of the nation’s coastal zone.”¹

H.R. 3541 creates yet another grant program within the CZMA. It directs the Secretary of Commerce to administer climate change adaptation project implementation grants to States that have adaptation plans approved by the Secretary. During the legislative hearing on this bill, the National Oceanic and Atmospheric Administration (NOAA) testified that under the CZMA, coastal states already have discretion to use funding to develop and implement adaptation plans.² NOAA even provided an example from California, the bill sponsor’s State, on how this flexibility already exists. This legislation either ignores the facts or shows a lack of understanding of how the CZMA works.

Even worse, the bill includes an unlimited, open-ended authorization of appropriations to carry out this duplicative grant program. This legislation is redundant and completely fiscally irresponsible and for these reasons, we oppose this legislation.

ROB BISHOP.
JODY B. HICE.
MIKE JOHNSON.
KEVIN HERN.

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¹ 16 U.S.C. 1452.

² *Written Testimony by RDML Tim Gallaudet, Deputy NOAA Administrator, Hearing July 25, 2019.*