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SENATE

{ REPORT
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COASTAL HABITAT CONSERVATION ACT OF 2023

DECEMBER 11, 2023.—Ordered to be printed

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

R E P O R T

[To accompany S. 1381]

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works, to which was referred the bill (S. 1381), to authorize the Secretary of the Interior, through the Coastal Program of the United States Fish and Wildlife Service, to work with willing partners and provide support to efforts to assess, protect, restore, and enhance important coastal landscapes that provide fish and wildlife habitat on which certain Federal trust species depend, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

GENERAL STATEMENT AND BACKGROUND

The USFWS Coastal Program is a voluntary, partnership-based habitat conservation program that operates in 24 priority coastal areas. The program's locally-based staff provide technical and financial assistance to help develop and implement habitat restoration and design projects. Through those projects, the program helps conserve and recover USFWS trust species.

The program also helps build coastal resilience by improving the health of coastal ecosystems. Another noted benefit of the Coastal Program is the economic benefit it brings to the communities in which the projects are located. Not only does the USFWS employ local businesses to help plan and implement the projects, but the

projects also support a wide array of local industries, including commercial fishing and tourism.¹

Since its genesis in 1985, the Coastal Program has enabled the conservation of over two million acres of habitat. In 2022, the program helped fund and coordinate 185 projects and conserve 45,033 acres. Those projects helped advance a number of important goals, including restoring habitats that create corridors for wildlife, removing barriers in streams to improve fish passage and aquatic habitats, and enhancing local outdoor recreation opportunities. According to the USFWS’s 2022 Coastal Program Accomplishment Report, the program leveraged nine dollars for every Coastal Program dollar spent in 2022.² Congress appropriated \$13.957 million for the Coastal Program in fiscal year (FY) 2023 and \$13.616 million for the program in FY 2022. Congress first provided appropriations to the Coastal Program in 1985 but has ever codified the program.

OBJECTIVES OF THE LEGISLATION

The purpose of the bill is to authorize the Coastal Program of the USFWS through FY 2028 to conduct collaborative landscape-level planning and on-the-ground coastal habitat assessment, coastal habitat protection, coastal habitat restoration, and coastal habitat enhancement projects in priority coastal landscapes to conserve and recover Federal trust species.

SECTION-BY-SECTION ANALYSIS

Sec. 1. Short title

This section states that the Act may be cited as the “Coastal Habitat Conservation Act of 2023.”

Sec. 2. Purpose

This section states that the purpose of the Act is to authorize the USFWS Coastal Program to conduct collaborative landscape-level planning and on-the-ground coastal habitat assessment, coastal habitat protection, coastal habitat restoration, and coastal habitat enhancement projects in priority coastal landscapes to conserve and recover Federal trust species.

Sec. 3. Definitions

This section provides definitions for terms used in the Act, including “coastal ecosystem,” “coastal habitat assessment,” “coastal habitat enhancement,” “coastal habitat planning,” “coastal habitat protection,” “coastal habitat restoration,” “coastal landscape,” “coastal State,” “Federal trust species,” “financial assistance,” “Secretary,” “Service,” and “technical assistance.”

Sec. 4. Coastal Program

This section directs the Secretary of the Interior to carry out a Coastal Program within the USFWS to identify the leading threats to priority coastal landscapes and conservation actions and address those threats through partnerships with Federal, State, local, and

¹ U.S. Fish and Wildlife Service, *2022 Coastal Program Accomplishment Report* (March 2023), <https://www.fws.gov/media/2022-coastal-program-accomplishment-report>.

² *Id.*

Tribal governments, nongovernmental institutions, nonprofit organizations, and private individuals or entities.

Through those partnerships, this section stipulates that the program will provide technical assistance for private individuals and entities to conduct voluntary coastal habitat planning, assessment, protection, restoration, and enhancement projects.

This section also states that the program will:

- Use adaptive management procedures to ensure the health and resilience of coastal ecosystems;
- Build the capacity of governmental and non-governmental institutions to carry out environmental conservation and stewardship measures;
- Help develop and implement protocols to monitor coastal ecosystem restoration and enhancement; and
- Share information relating to best management practices for the conservation, restoration, and enhancement of coastal systems.

Sec. 5. Reports

This section directs the Secretary of the Interior, acting through the Director of the USFWS, to submit an annual report on the Coastal Program to the Senate Appropriations Committee and the Senate Environment and Public Works Committee, as well as the House Natural Resources Committee and the House Appropriations Committee.

Sec. 6. Authorization of appropriations

This section authorizes the Coastal Program from FY 2024 through FY 2028 at the following levels: \$20 million for FY 2024; \$21.25 million for FY 2025; \$22.5 million for FY 2026; \$23.75 million for FY 2027; and \$25 million for FY 2028.

LEGISLATIVE HISTORY

On April 27, 2023, Senator Cardin introduced S. 1381, the Coastal Habitat Conservation Act of 2023. Senator Graham was an original cosponsor. The bill was referred to the Committee on Environment and Public Works.

HEARINGS

No committee hearings were held on S. 1381 in the 118th Congress. However, the Committee on Environment and Public Works did hold a hearing on similar legislation, S. 2194, in the 117th Congress on June 15, 2022.

ROLLCALL VOTES

On July 26, 2023, the Committee on Environment and Public Works met to consider S. 1381. The bill was ordered favorably reported without amendment by voice vote. No roll call votes were taken.

REGULATORY IMPACT STATEMENT

In compliance with section 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works finds that S. 1381 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 on Environment and Public Works notes that the Congressional Budget Office found that S. 1381 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.

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:

S. 1381, Coastal Habitat Conservation Act of 2023			
As reported by the Senate Committee on Environmental and Public Works on July 26, 2023			
By Fiscal Year, Millions of Dollars	2024	2024-2028	2024-2033
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	15	103	113
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Statutory pay-as-you-go procedures apply?	No
		Mandate Effects	
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

S. 1381 would authorize the appropriation of \$112.5 million over the 2024–2028 period for the USFWS to implement the Coastal Program and report annually to the Congress on the program’s activities. Under that program, USFWS partners with federal and nonfederal entities to conduct land and habitat restoration, protection, and conservation activities on public and private coastal land and waters. In 2023, USFWS allocated about \$14 million for the program.

Using historical spending patterns for the program and assuming appropriation of the authorized amounts, CBO estimates that implementing the bill would cost \$103 million over the 2024–2028 period and \$10 million after 2028.

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

TABLE 1.—ESTIMATED INCREASES IN SPENDING SUBJECT TO APPROPRIATION UNDER S. 1381

	By fiscal year, millions of dollars—					
	2024	2025	2026	2027	2028	2024–2028
Authorization	20	21	23	24	25	113

TABLE 1.—ESTIMATED INCREASES IN SPENDING SUBJECT TO APPROPRIATION UNDER S. 1381—
Continued

	By fiscal year, millions of dollars—					
	2024	2025	2026	2027	2028	2024– 2028
Estimated Outlays	15	19	21	23	25	103

The CBO staff contact for this estimate is Lilia Ledezma. The estimate was reviewed by Ann E. Futrell, Senior Adviser for Budget Analysis.

CHANGES IN EXISTING LAW

Section 12 of rule XXVI of the Standing Rules of the Senate requires the committee to publish changes in existing law made by the bill as reported. Passage of this bill will make no changes to existing law.

