

WETLANDS AND WILDLIFE ENHANCEMENT ACT OF 1998

MAY 11, 1998.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources,
submitted the following

REPORT

[To accompany H.R. 2556]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 2556) to reauthorize the North American Wetlands Conservation Act and the Partnerships for Wildlife Act, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Wetlands and Wildlife Enhancement Act of 1998”.

SEC. 2. REAUTHORIZATION OF NORTH AMERICAN WETLANDS CONSERVATION ACT.

Section 7(c) of the North American Wetlands Conservation Act (16 U.S.C. 4406(c)) is amended by striking “not to exceed” and all that follows through the end of the sentence and inserting “not to exceed \$30,000,000 for each of fiscal years 1999 through 2003.”.

SEC. 3. REAUTHORIZATION OF PARTNERSHIPS FOR WILDLIFE ACT.

Section 7105(h) of the Partnerships for Wildlife Act (16 U.S.C. 3744(h)) is amended by striking “for each of fiscal years” and all that follows through the end of the sentence and inserting “not to exceed \$6,250,000 for each of fiscal years 1999 through 2003.”.

PURPOSE OF THE BILL

The purpose of H.R. 2556 is to reauthorize the North American Wetlands Conservation Act and the Partnerships for Wildlife Act.

BACKGROUND AND NEED FOR LEGISLATION

North American Wetlands Conservation Act

Wetlands are among the world's most productive environments. They provide critical habitat for numerous species of fish and wildlife, and are particularly important to the life cycles of migratory birds and many important fish species. Wetlands also serve as natural flood control basins and water filters, and wetland degradation is known to have negative effects on coastal and riverine water quality. Beginning in the 1930s, alarming declines in migratory bird populations spurred interest in improving wetland conservation, and many Federal, State, and private programs to reduce wetland loss have developed since that time.

In 1986, the United States and Canada signed the North American Waterfowl Management Plan, which established cooperative international efforts to reverse the declines in waterfowl populations and their habitats. Mexico later joined the pact. Congress recognized that conservation of migratory birds of importance to the United States requires a broad approach to habitat conservation across the entire international range of these species, and enacted the North American Wetlands Conservation Act (NAWCA) in 1989.

This Act provides a funding mechanism for cooperative public-private wetlands conservation programs which support the goals of the North American Waterfowl Management Plan. Funding for these projects comes from four Federal sources: interest from short-term investment of the Federal Aid in Wildlife Restoration Fund (also known as the "Pittman-Robertson Fund"), which contains revenues from taxes on firearms, ammunition, bows, and arrows; fines and forfeitures imposed for violations of the Migratory Bird Treaty Act; a portion of the Sport Fish Restoration Fund (revenues from taxes on fishing and marine recreation-related products); and additional direct appropriations.

NAWCA established the North American Wetlands Conservation Council, which has nine members representing Federal and State fish and wildlife agencies, nonprofit organizations participating in wetland conservation, and the National Fish and Wildlife Foundation, to oversee the distribution of NAWCA funds. Any Federal, State, local, or private organization may apply for a grant to conduct a wetlands conservation project in North America. These projects usually consist of purchasing wetlands outright or obtaining conservation easements, but can also include wetlands restoration and, for projects in Mexico, some educational and management activities. All grants must be matched by non-Federal funds. On average, every Federal dollar spent under NAWCA is matched by \$2.41 in other funds. Projects receiving NAWCA funds are normally required to ensure the long-term (25 years or more) protection of wetlands through fee title ownership or perpetual easements.

NAWCA specifies that 50 to 70 percent of the funds available from Pittman-Robertson interest, fines and forfeitures, and appropriations must be spent on projects within the U.S. The remaining 30 to 50 percent must be spent on projects in Canada and Mexico. Funds from the Sport Fish Restoration Fund, which are authorized

under the Coastal Wetlands Planning, Protection, and Restoration Act, must be spent on projects that conserve coastal wetlands within a coastal State.

In Fiscal Year 1997, interest on Pittman-Robertson funds totaled \$24 million. Fines and forfeitures under the Migratory Bird Treaty Act totaled \$105,000. Sport Fish Restoration Fund contributions were \$9,749,000. An additional \$9,750,000 was appropriated. Between four and six percent of these amounts (depending on the source) may be used for administrative expenses. Thus, \$41,016,143 was awarded in grants in 1997, funding a total of 74 projects which affected 1,127,575 acres of wetlands. Of this amount, \$22,827,405 was spent in the U.S., \$17,288,614 in Canada, and \$900,124 in Mexico. In Fiscal Year 1998, \$11.7 million was appropriated for the program.

Since the first NAWCA grants were awarded in 1991, 497 projects have been funded. This has resulted in the protection of approximately one million acres of wetlands in the U.S. and approximately 2.5 million acres in Canada. It is difficult to assess how many new acres have been protected in Mexico, as many projects there have been education or management projects affecting large areas which were not actually purchased.

In 1994, Congress passed the North American Wetlands Conservation Act Amendments. This Act authorized appropriations of \$20 million for each of Fiscal Years 1995 and 1996, and \$30 million for each of Fiscal Years 1997 and 1998. However, actual appropriations did not exceed \$15 million in any of these years. It also made changes in the matching funds requirement to encourage expansion of conservation efforts in Mexico, added reporting requirements, and made other technical changes.

H.R. 2556 would reauthorize appropriations for NAWCA at \$30 million for each of Fiscal Years 1999 through 2002.

Partnerships for Wildlife Act

Congress enacted the Partnerships for Wildlife Act (PWA) in 1992 to encourage conservation of nongame fish and wildlife species. The PWA created the wildlife Conservation and Appreciation Fund which is capitalized by direct appropriations and donations. State fish and wildlife agencies may receive grants from the Fund for wildlife conservation and appreciation projects applicable to nongame, nonendangered species. Federal funds must be matched 2 to 1 by non-Federal funds.

The U.S. Fish and Wildlife Service, in cooperation with the National Fish and Wildlife Foundation, reviews and selects proposals. In Fiscal Year 1997, the most recent year for which results are available, grants from the Fund totaling \$773,461 contributed to a total of 51 projects. Projects that have been funded include: a study of the effects of forest management practices on bird populations in Oregon; restoration of bat hibernacula (caves in which bats sleep during the day) in Wisconsin; an investigation of the effects of certain landscape management practices on prairie chickens; a landowner's guide to conservation on neotropical migrant birds in Georgia; and reintroduction of river otters in New York.

The PWA authorizes \$6,250,000 to be appropriated into the Fund for each of Fiscal Years 1992 through 1998. In 1998, \$800,000 was appropriated.

H.R. 2556 would authorize \$6,250,000 to be appropriated into the Fund for each of Fiscal Years 1999 through 2003.

COMMITTEE ACTION

H.R. 2556 was introduced on September 25, 1997, by Congressman Jim Saxton (R-NJ), Chairman, Subcommittee on Fisheries Conservation, Wildlife, and Oceans. The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Fisheries Conservation, Wildlife, and Oceans. On October 23, 1997, the Subcommittee held a hearing on H.R. 2556. The Committee heard testimony from Congressman John Tanner (D-TN); Mr. Don Barry, Acting Assistant Secretary, Department of the Interior; Mr. R. Max Peterson, Executive Vice President, International Association of Fish and Wildlife Agencies; and Mr. Matthew Connolly, Executive Vice President, Ducks Unlimited, Inc. All witnesses testified in strong support of reauthorization at 1998 authorization levels.

Mr. Connolly stated, "Some ask, is this a program that's working? I answer that question thusly: the goal of the Act was to help bird populations by providing habitat. Over 3.6 million more acres of habitat exist today than before the Act was signed as a direct result of its work. Duck populations, commonly regarded as an indicator species for many species of birds, are up 63 percent since its creation. The results speak for themselves. * * * But if we are to be prepared for the inevitable drought that will return again as they do periodically, we must continue to keep this program focused and active."

On October 30, 1997, the Subcommittee met to mark up H.R. 2556. Mr. Saxton offered an amendment to increase authorization levels from \$15 million to \$30 million for NAWCA, and from \$1 million to \$6.25 million for the Partnerships for Wildlife Act; and to extend the authorization period for both Acts from four to five years. The amendment was adopted by voice vote, and the bill, as amended, was then ordered favorably reported to the Full Committee by voice vote. On April 29, 1998, the Full Resources Committee met to consider H.R. 2556. No further amendments were offered and the bill was then ordered favorably reported to the House of Representatives by voice vote.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 2(l)(3) of rule XI of the Rules of the House of Representatives, and clause 2(b)(1) of rule X 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 H.R. 2556.

COST OF THE LEGISLATION

Clause 7(a) 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 H.R. 2556. However, clause 7(d) 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 403 of the Congressional Budget Act of 1974.

COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirement of clause 2(1)(3)(B) of rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, H.R. 2556 does contain new budget authority, spending authority, and an increase in tax expenditures.

2. With respect to the requirement of clause 2(1)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 2556.

3. With respect to the requirement of clause 2(1)(3)(C) of rule XI 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 H.R. 2556 from the Director of the Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 7, 1998.

Hon. DON YOUNG,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2556, the Wetlands and Wildlife Enhancement Act of 1997.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Deborah Reis (for federal costs) and Marjorie Miller (for the state and local impact).

Sincerely,

JAMES L. BLUM
(For June E. O'Neill, Director).

Enclosure.

H.R. 2556—Wetlands and Wildlife Enhancement Act of 1997

Summary: H.R. 2556 would reauthorize, through fiscal year 2003, appropriations for two programs of the U.S. Fish and Wildlife Service (FWS). Specifically, the bill would authorize annual appropriations of \$30 million and \$62.5 million, respectively, for programs carried out under the North American Wetlands Conservation Act (NAWCA) and the Partnerships for Wildlife Act (PWA).

The FWS uses appropriations authorized by these acts to fund a wide variety of activities including matching grants, cooperative projects, and land acquisition.

Assuming appropriation of the entire amounts authorized, CBO estimates that enacting H.R. 2556 would result in additional discretionary spending of about \$160 million over the 1999–2003 period. The legislation would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. H.R. 2556 does not contain any intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The amounts authorized by H.R. 2556 are the same as the current authorization levels for both programs, but are significantly higher than the amounts appropriated for these activities in recent years. The 1998 appropriations for NAWCA and PWA are \$11.7 million and \$0.8 million, respectively. For purposes of this estimate, CBO assumes that the entire amounts authorized will be appropriated for each fiscal year and that outlays will follow historical spending patterns for each program. The estimated budgetary impact of H.R. 2556 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

[By fiscal year, in millions of dollars]

	1998	1999	2000	2001	2002	2003
SPENDING SUBJECT TO APPROPRIATION						
Spending under current law:						
Budget authority ¹	13	0	0	0	0	0
Estimated outlays	12	4	1	0	0	0
Proposed changes:						
Authorization level	0	36	36	36	36	36
Estimated outlays	0	20	32	36	36	36
Spending under H.R. 2556:						
Budget authority/authorization level ¹	13	36	36	36	36	36
Estimated outlays	12	24	33	36	36	36

¹The 1998 level is the sum of amounts appropriated for that year for the programs carried out under NAWCA and PWA.

Pay-as-you-go considerations: None.

Estimated impact on State, local, and tribal governments: H.R. 2556 contains no intergovernmental mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. State fish and wildlife agencies receive grants under the Partnerships for Wildlife Act. These federal funds must be matched by equal amounts of both state and private funds.,

Estimated impact on the private sector: H.R. 2556 contains no private-sector mandates as defined in UMRA.

Estimate prepared by: Federal costs: Deborah Reis; Impact on State, local, and tribal governments: Marjorie Miller.

Estimate approved by: Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

H.R. 2556 contains no unfunded mandates.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 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 7 OF THE NORTH AMERICAN WETLANDS CONSERVATION ACT

SEC. 7. AMOUNTS AVAILABLE TO CARRY OUT THIS ACT.

(a) * * *

* * * * *

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amounts made available under subsections (a) and (b) of this section, there are authorized to be appropriated to the Department of the Interior for purposes of allocation under section 8 of this Act **【not to exceed \$20,000,000 for each of fiscal years 1995 and 1996 and \$30,000,000 for each of fiscal years 1997 and 1998.】** *not to exceed \$30,000,000 for each of fiscal years 1999 through 2003.*

* * * * *

SECTION 7105 OF THE PARTNERSHIPS FOR WILDLIFE ACT

SEC. 7105. WILDLIFE PARTNERSHIP PROGRAM.

(a) * * *

* * * * *

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund and to the Secretary **【for each of fiscal years 1992 through 1998 not to exceed \$6,250,000.】** *not to exceed \$6,250,000 for each of fiscal years 1999 through 2003.*