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PARTNERS FOR FISH AND WILDLIFE ACT

JULY 13, 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

together with

ADDITIONAL VIEWS

[To accompany S. 260]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (S. 260) to authorize the Secretary of the Interior to provide technical and financial assistance to private landowners to restore, enhance, and manage private land to improve fish and wildlife habitats through the Partners for Fish and Wildlife Program, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of S. 260 is to authorize the Secretary of the Interior to provide technical and financial assistance to provide landowners to restore, enhance, and manage private land to improve fish and wildlife habitats through the Partners for Fish and Wildlife Program.

BACKGROUND AND NEED FOR LEGISLATION

In 1987, using the statutory authority of the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.), the Department of the Interior decided to administratively create a voluntary incentive-based partnership program to assist public and private landowners to conserve, manage and restore wetlands and other fish and wild-

life habitat on their lands. This program, known as the Partners for Fish and Wildlife, has been administered for the past 19 years by the U.S. Fish and Wildlife Service. During this period, $463 million in federal funds have been appropriated to this program which is a separate line-item in the Service's budget but operates without a specific Congressional authorization.

With more than 80 percent of fish and wildlife in the United States residing on private lands, an innovative program was needed to encourage public and private landowners to enter into cooperative agreements to conserve valuable wildlife resources. The type of projects funded include: the removal of exotic plants and animals, reestablishing fish passages, prescribed burns and restoring wetland hydrology. The most critical habitat for many species are wetlands. Wetlands are among the earth's most important ecosystems, providing many environmental and economic benefits, including habitat and food for fish and wildlife; flood protection; erosion control; water quality improvement; food for human consumption and opportunities for recreation, education and research. An estimated one-third of our Nation's endangered or threatened species live only in wetlands, and nearly half use wetlands at some point in their lives. Sadly, despite these attributes, the majority of wetlands in the United States have been destroyed. In response to this problem and because of the growing interest of private landowners to conserve and protect wildlife habitat, particularly those whose property contains endangered or threatened species or is adjacent to units of the National Wildlife Refuge System, the Partners for Fish and Wildlife Program was born.

Under this program, State resource agencies work closely with the Fish and Wildlife Service to identify and establish priority sites. Once selected, an individual landowner, tribe, conservation organization, academic institution, business or industry, or State and local government signs a restoration agreement that normally covers a 15-year period. Upon entering the agreement, the entity receives financial assistance to conserve, manage and restore federal trust species on their property. Unlike federal land acquisition programs, under the Partners for Fish and Wildlife Program, the property owner retains full control and title over his or her land. The only stipulations for receiving assistance are that the federal funds are matched and that the recipient satisfies the requirements of the agreement.

Since the creation of this program, there have been nearly 35,000 partnership agreements with the Fish and Wildlife Service. In these cases, the Service provides landowners with biological data about their property, restoration designs, a strategy on cost-sharing on materials and services and construction supervision. As a result of these agreements, 722,550 acres of wetlands, 1,573,700 acres of prairie and native grasslands and 5,900 miles of riparian and instream habitat has been restored.

The fundamental purpose of S. 260 is to provide a Congressional authorization for the Partners for Fish and Wildlife Program. While this is not a new federal program, an authorization will provide stability, highlight the successes of the private partnerships and habitat conservation, recognize the importance of this program and allow for greater Congressional oversight in the future. This legislation also defines the term "federal trust species" to mean mi-

gratory birds, threatened species, endangered species, interjurisdictional fish, marine mammals, and other species of concern. It describes the kinds of activities that constitute habitat enhancement, restoration and improvement. In addition, it formally establishes the program within the U.S. Fish and Wildlife Service and authorizes appropriations of $75 million per year until September 30, 2011. In fiscal year 2006, Congress has appropriated $51.4 million for this program.

COMMITTEE ACTION

S. 260 was introduced on February 2, 2005, by Senator James Inhofe (R–OK). It was passed by the Senate by unanimous consent on June 27, 2005. Within the House of Representatives, the bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Fisheries and Oceans. On September 23, 2005, the Subcommittee held a hearing on the bill. On June 21, 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, clause 3 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 authorize the Secretary of the Interior to provide technical and financial assistance to private landowners to restore, enhance, and manage private land to improve fish and wildlife habitat through the Partners for Fish and Wildlife Program.

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. 260—Partners for Fish and Wildlife Act

Summary: S. 260 would authorize appropriations for the Partners for Fish and Wildlife program. Through that program, the Department of the Interior provides financial and technical assistance to private landowners for conservation projects on their land. Assuming appropriation of the authorized amounts, CBO estimates that implementing S. 260 would cost $45 million in 2007 and $350 million over the 2007–2011 period. Enacting the legislation would not affect direct spending or revenues. S. 260 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: For this estimate, CBO assumes that S. 260 will be enacted near the start of fiscal year 2007 and that authorized amounts would be provided as specified in the legislation. The estimated budgetary impact of S. 260 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

S. 260 would authorize the appropriation of up to $75 million a year over the 2006–2011 period for the Partners for Fish and Wildlife program. ($41 million has already been provided for that program in 2006; CBO assumes no additional appropriations will be enacted this year.) Base don historical spending patterns for the program, CBO estimates that fully funding it under S. 260 would cost $45 million in 2007 and $350 million over the 2007–2011 period, with a total of $25 million in additional spending occurring in later years.

Intergovernmental and private-sector impact: S. 260 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

	By fiscal year, in millions of dollars—					
	2006	2007	2008	2009	2010	2011
Spending Under Current Law for the Partners for Fish and Wildlife Program:						
Budget Authority [1]	41	0	0	0	0	0
Estimated Outlays	39	8	3	1	0	0
Proposed Changes:						
Authorization Level	0	75	75	75	75	75
Estimated Outlays	0	45	77	76	76	76
Spending Under S. 260 for the Partners for Fish and Wildlife Program:						
Authorization Level [1]	41	75	75	75	75	75
Estimated Outlays	39	53	80	77	76	76

[1] The 2006 level is the amount appropriated for that year for the Partners for Fish and Wildlife program.

Previous CBO estimate: On June 15, 2005, CBO transmitted a cost estimate for S. 260 as ordered reported by the Senate Committee on Environment and Public works on June 8, 2005. The two versions of S. 260 are identical. Differences in our estimates of spending reflect a change in when we assume the legislation will be enacted.

Estimate prepared by: Federal Costs: Megan Carroll; 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

If enacted, this bill would make no changes in existing law.

ADDITIONAL VIEWS

The Partners for Fish and Wildlife Program has become an important and popular tool in facilitating cooperation between the U.S. Fish and Wildlife Service and non-federal organizations to voluntarily protect, conserve and restore habitat important to fish and wildlife populations through on-the-ground projects. Even though no one has ever questioned the legal authority used by the Service in 1987 to create this program, there is little disagreement that passage of a specific law authorizing the program would be beneficial.

But it is equally important to note, however, that the stated intent of this legislation—to provide a statutory authorization for the Program—should retain all elements of the existing program, without exception, as specified under the Service's regulations (Part 640, Chapter 1, Partners for Fish and Wildlife Program). The Partners Program, after all, does more than simply promote and implement habitat improvement projects; these additional elements include, specifically:

- Provide conservation leadership and promote partnerships
- Encourage public understanding and participation
- Work with the U.S. Department of Agriculture to implement USDA's conservation programs.

This point was raised with the sponsors of this legislation during its consideration. They affirmed that it is their intention for the Service to implement the entire program, and consequently, I declined to offer any clarifying amendment. As a result, the broad language in subsection 2(b) regarding purposes, and corresponding language in section 4 authorizing the program, should be read with the explicit understanding that the Service will continue to implement these other existing program elements should this bill become law. For this reason I support this legislation, and it is with this understanding that the committee should conduct its future oversight regarding its implementation.

FRANK PALLONE, Jr.

