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HOUSE OF REPRESENTATIVES
REPORT
109–639

NORTH AMERICAN WETLANDS CONSERVATION REAUTHORIZATION ACT OF 2006

SEPTEMBER 6, 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 H.R. 5539]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 5539) to reauthorize the North American Wetlands Conservation Reauthorization Act, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "North American Wetlands Conservation Reauthorization Act of 2006".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 7(c) of the North American Wetlands Conservation Act (16 U.S.C. 4406(c)) is amended by striking "fiscal year 2007" and inserting "each of fiscal years 2008 through 2012".

Amend the title so as to read:

A bill to reauthorize the North American Wetlands Conservation Act.

PURPOSE OF THE BILL

The purpose of H.R. 5539, as ordered reported, is to reauthorize the North American Wetlands Conservation Act.

BACKGROUND AND NEED FOR LEGISLATION

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 the majority of economically important fish species. Wetlands also serve as natural flood control basins and water filters, and wetland degradation is known to have severe negative effects on coastal and riverine water quality. Beginning in the 1930s, alarming declines in migratory bird populations created a realization that wetland conservation needed to be improved.

In 1986, the United States, Canada, and Mexico signed the North American Waterfowl Management Plan, which established cooperative international efforts to reverse the declines in waterfowl populations and their habitats. The U.S. domestic law implementing that agreement was the North American Wetlands Conservation Act (NAWCA) enacted in 1989. NAWCA provides a funding mechanism for cooperative public-private wetlands conservation efforts throughout North America. It also established the North American Wetlands Conservation Council, which oversees the distribution of funds. Any federal, State, local, or private organization may apply for a grant to conduct a wetlands conservation projects in North America. The Migratory Bird Conservation Commission, a seven-member commission, serves as the final arbiter for determining which projects recommended by the Council will be funded.

These wetland projects aim to protect and/or restore wetlands and associated uplands, and, for projects in Mexico, provide funding for educational activities. All grants must be matched dollar for dollar with non-federal funds. From Fiscal Year 1991 to Fiscal Year 2004, the average partner funds were $2.88 for every NAWCA dollar. NAWCA projects use tools such as fee title ownership, conservation easements, and landowner agreements to ensure long-term wetlands conservation benefits. NAWCA is a popular and competitive matching grant program with requests for projects far exceeding available funds on an annual basis.

NAWCA specifies that 30 to 60 percent of the funds available from Pittman-Robertson Fund interest, fines and forfeitures, and appropriations must be spent on projects within Canada and Mexico. The remaining 40 to 70 percent must be spent on projects in the United States. 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.

Since the first wetlands grants were awarded in 1991, 1,230 standard and 268 small grant projects have been funded by the Migratory Bird Conservation Commission. These grants, involving more than 2,500 partners, have invested $710.4 million in federal taxpayer funds and more than $2.1 billion in private matching contributions. Together, these projects have restored, protected or enhanced some 23 million acres of wetlands and associated uplands in the United States, Canada and Mexico.

H.R. 5539 reauthorizes appropriations for NAWCA at current levels for four years (2008–2012).

COMMITTEE ACTION

H.R. 5539 was introduced on June 7, 2006, by Congressman Richard W. Pombo (R–CA). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Fisheries and Oceans. On June 29, 2006, the Subcommittee held a hearing on the bill. On July 19, 2006, the Full Resources Com-

mittee met to consider the bill. The Subcommittee on Fisheries and Oceans was discharged from further consideration of the bill by unanimous consent. Chairman Richard Pombo offered an amendment in the nature of a substitute that corrected the long and short titles of the bill and extended the authorization of existing appropriations until September 30, 2012. The amendment was adopted by unanimous consent. The bill, as amended, was then 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, as ordered reported, is to reauthorize the North American Wetlands Conservation Act.

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:

H.R. 5539—North American Wetlands Conservation Reauthorization Act of 2006

Summary: H.R. 5539 would authorize the appropriation of $75 million a year for programs carried out under the North American Wetlands Conservation Act (NAWCA) through fiscal year 2012. Under existing law, the authority for such appropriations will expire at the end of fiscal year 2007. The U.S. Fish and Wildlife Service (USFWS) uses amounts appropriated under NAWCA primarily for grants to state, local, and tribal governments, nonprofit organi-

zations, and other entities that carry out wetlands conservation projects.

CBO estimates that appropriation of the amounts authorized by H.R. 5539 would result in outlays of $175 million over the 2008–2011 period. (An additional $200 million would be spent after 2011, including $75 million that would be authorized for 2012.) Enacting this legislation would not affect direct spending or revenues.

H.R. 5539 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: The estimated budgetary impact of H.R. 5539 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 H.R. 5539 will be enacted during fiscal year 2007 and that the entire $75 million authorized will be appropriated for each fiscal year beginning in 2008. Estimated outlays are based on historical spending patterns for this program.

	By fiscal year, in millions of dollars—					
	2006	2007	2008	2009	2010	2011
SPENDING SUBJECT TO APPROPRIATION						
NAWCA spending under current law:						
Budget authority/authorization level [1]	40	75	0	0	0	0
Estimated outlays	35	39	37	30	19	II
Proposed changes:						
Authorization level	0	0	75	75	75	75
Estimated outlays	0	0	20	40	50	65
NAWCA spending under H.R. 5539:						
Budget authority/authorization level	40	75	75	75	75	75
Estimated outlays	35	39	57	70	69	77

[1] The 2006 level is the amount appropriated for that year under the NAWCA. The 2007 level is the amount authorized under current law for that year.

Intergovernmental and private-sector impact: H.R. 5539 contains no intergovernmental or private-sector mandates as defined by UMRA. Enacting this legislation would benefit state, local, and tribal governments because they receive a portion of the funds authorized.

Estimate prepared by: Federal costs: Deborah Reis; Impact on state, local, and tribal governments: Marjorie Miller; Impact on the private sector: Amy Petz.

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 omit-

ted 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) * * *

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(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—

(1) * * *

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(5) $75,000,000 for [fiscal year 2007] *each of fiscal years 2008 through 2012*.

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