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### NORTH AMERICAN WETLANDS CONSERVATION REAUTHORIZATION ACT OF 2006

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SEPTEMBER 20, 2006.—Ordered to be printed

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

### REPORT

[To accompany S. 3617]

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works, to which was referred a bill (S. 3617) to reauthorize the North American Wetlands Conservation Act, having considered the same, reports favorably thereon and recommends that the bill do pass.

#### GENERAL STATEMENT AND BACKGROUND

The North American Wetlands Conservation Act (NAWCA) (Public Law 101-233), enacted December 13, 1989, provided funding and administrative direction for implementation of the North American Waterfowl Management Plan and the Tripartite Agreement on wetlands between Canada, the United States and Mexico. The Act converted the Pittman-Robertson account into a trust fund, with the interest available without appropriation through the year 2006 to carry out the programs authorized by the Act, along with an authorization for an annual appropriation of \$15 million plus an amount equal to the fines and forfeitures collected under the Migratory Bird Treaty Act.

Available funds may be expended, upon approval of the Migratory Bird Conservation Commission, for payment of not to exceed 50 percent of the United States share of the cost of wetlands conservation projects in Canada, Mexico, or the United States (or 100 percent of the cost of projects on Federal lands). At least 50 percent and no more than 70 percent of the funds received are to go to projects in Canada and Mexico each year.

NAWCA also created a North American Wetlands Conservation Council to recommend projects to be funded under the Act to the Migratory Bird Conservation Commission. The Council is composed of the Director of the U.S. Fish and Wildlife Service, the Secretary of the National Fish and Wildlife Foundation, a State fish and game agency director from each Flyway, and three representatives of different non-profit organizations participating in projects under the Plan or the Act. The Chairman of the Council and one other member serve ex officio on the Commission for consideration of the Council's recommendations. The Commission must justify in writing to the Council and, annually, to Congress, any decisions not to accept Council recommendations.

NAWCA's matching grants are awarded to organizations and individuals who have developed partnerships to carry out wetlands conservation projects in the United States, Canada, and Mexico for the benefit of wetlands-associated migratory birds and other wildlife.

There is a Standard and a Small Grants Program. Both are competitive grants programs and require that grant requests be matched by partner contributions at no less than a 1-to-1 ratio. Funds from other U.S. Federal sources may contribute towards a project, but are not eligible as matching funds.

The Standard Grants Program supports projects in Canada, the United States, and Mexico that involve long-term protection, restoration, and/or enhancement of wetlands and associated uplands habitats. In Mexico, partners may also conduct projects involving technical training, environmental education and outreach, organizational infrastructure development, and sustainable-use studies.

The Small Grants Program operates only in the United States; it supports the same type of projects and adheres to the same selection criteria and administrative guidelines as the U.S. Standard Grants Program. However, project activities are usually smaller in scope and involve fewer project dollars. Grant requests may not exceed \$75,000, and funding priority is given to grantees or partners new to the Act's Grants Program.

Public Law 103-375, enacted on October 19, 1994, reauthorized the law through fiscal year 1998 and increased the authorization for appropriations to \$20 million per year for 1995 and 1996 and \$30 million per year through 1998. The amendment also acknowledged the role of Mexico in plan preparation and project selection and implementation and recognized that projects carried out in Mexico could include cash contributions from non-U.S. sources.

Public Law 105-312, enacted on October 30, 1998, again reauthorized the law and extended funding authority at the current level of \$30 million per year through fiscal year 2003. Public Law 106-553, December 21, 2000, changed \$30 million to \$50 million. Public Law 107-308, December 2, 2002, the North American Wetlands Conservation Reauthorization Act, increased the authorization for appropriations to \$55 million in 2003, \$60 million in 2004, \$65 million in 2005, \$70 million in 2006, and \$75 million in 2007.

In fiscal year 2006, Congress appropriated \$39.4 million to fund NAWCA's Grants Program. Additional funding comes from fines, penalties, and forfeitures received under the Migratory Bird Treaty Act of 1918 and from interest accrued on the fund established under the Federal Aid in Wildlife Restoration Act of 1937. Amend-

ments to the Federal Aid in Sport Fish Restoration Act of 1950 directed that a portion of the moneys collected from Federal fuel excise taxes on small gasoline engines be allocated for use under the Act for coastal ecosystem projects. The total funding from all sources for FY 2006 is \$66.1 million. The Administration's FY 2007 appropriation request was \$41.6 million.

From September 1990 through June 2006, more than 3,150 partners have been involved in 1,556 Standard and Small Grants Programs' projects combined. More than \$742 million in Act grants has leveraged some \$1.5 billion in matching funds and \$809.5 million in nonmatching funds to affect approximately 23 million acres of wetlands and associated uplands across the continent.

#### OBJECTIVES OF THE LEGISLATION

S. 3617 reauthorizes NAWCA through fiscal year 2012 at the FY 2007 funding level of \$75 million.

#### SECTION-BY-SECTION ANALYSIS

##### *Section 1. Short title*

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

##### *Sec. 2. Authorization of appropriations*

This amends section 7(c)(5) of the North American Wetlands Conservation Act (16 U.S.C. 4406(c)(5)) by striking "fiscal year 2007" and inserting "each of fiscal years 2007 through 2012".

#### LEGISLATIVE HISTORY

On June 29, 2006, Senator Inhofe introduced S. 2041, which was cosponsored by Senators Jeffords, Chafee, Lincoln, Crapo, Nelson of Nebraska, Cornyn, Craig, Cochran, Baucus, Stevens and Vitter. The bill was received, read twice and referred to the Senate Committee on Environment and Public Works. The committee met on September 13, 2006, to consider the bill. S. 3617 was ordered favorably reported by voice vote.

#### HEARINGS

No committee hearings were held on S. 3617.

#### ROLLCALL VOTES

The Committee on Environment and Public Works met to consider S. 3617 on September 13, 2006. The bill was ordered favorably reported by voice vote. No rollcall votes were taken.

#### REGULATORY IMPACT STATEMENT

In compliance with section 11(b) of rule XXVI of the Standing Rules of the Senate, the committee finds that S. 3617 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 finds that S. 3617 would not impose Federal intergovernmental unfunded mandates 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. 3617, North American Wetlands Conservation Reauthorization Act of 2006, as ordered reported by the Senate Committee on Environment and Public Works on September 13, 2006*

*Summary*

S. 3617 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 organizations, and other entities that carry out wetlands conservation projects.

CBO estimates that appropriation of the amounts authorized by S. 3617 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.

S. 3617 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 S. 3617 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 S. 3617 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 <sup>1</sup> .....	40	75	0	0	0	0
Estimated Outlays .....	35	39	37	30	19	11
Proposed Changes.						
Authorization Level .....	0	0	75	75	75	75
Estimated Outlays .....	0	0	20	40	50	65
NAWCA Spending Under S. 3617.						
Budget Authority/Authorization Level .....	40	75	75	75	75	75
Estimated Outlays .....	35	39	57	70	69	77

<sup>1</sup>The 2006 level is the amount appropriated for that year under the North American Wetlands Conservation Act. The 2007 level is the amount authorized under current law for that year.

*Intergovernmental and Private-Sector Impact*

S. 3617 contains no intergovernmental or private-sector mandates as defined UMRA. Enacting this legislation would benefit State, local, and tribal governments because they receive a portion of the funds authorized.

*Previous CBO Estimate*

On August 8, 2006, CBO transmitted a cost estimate for H.R. 5539, the North American Wetlands Conservation Reauthorization Act of 2006, as ordered reported by the House Committee on Resources on July 19, 2006. H.R. 5539 and S. 3617 are very similar, and the estimated costs of the two pieces of legislation are identical.

*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.

CHANGES IN EXISTING LAW

In compliance with section 12 of rule XXVI of the Standing Rules of the Senate, 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:

**NORTH AMERICAN WETLANDS CONSERVATION ACT**

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**SECTION 1. SHORT TITLE.**

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**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) \* \* \*

\* \* \* \* \*

(5) \$75,000,000 for **【fiscal year 2007】** *each of fiscal years  
2007 through 2012.*

\* \* \* \* \*

