107TH CONGRESS
2d Session
HOUSE OF REPRESENTATIVES
REPORT
107–512

SPECIES PROTECTION AND CONSERVATION OF THE ENVIRONMENT ACT

JUNE 18, 2002.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HANSEN, from the Committee on Resources, submitted the following

R E P O R T

[To accompany H.R. 3558]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 3558) to protect, conserve, and restore native fish, wildlife, and their natural habitats on Federal lands through cooperative, incentive-based grants to control, mitigate, and eradicate harmful nonnative species, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Species Protection and Conservation of the Environment Act".

SEC. 2. PURPOSE.

The purpose of this Act is to control harmful nonnative species on Federal lands.

SEC. 3. DEFINITIONS.

For the purposes of this Act:

(1) APPROPRIATE COMMITTEES.—The term "appropriate Committees" means the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(2) CONTROL.—The term "control" means, as appropriate, eradicating, suppressing, reducing, or managing harmful nonnative species populations, preventing the spread of harmful nonnative species from areas where they are present, and taking steps to restore native species and habitats to reduce the effects of harmful nonnative species.

(3) COUNCIL.—The term the "Council" means the National Invasive Species Council created by Executive Order 13112 of February 3, 1999.

(4) ENVIRONMENTAL SOUNDNESS.—The term "environmental soundness" means the extent of inclusion of methods, efforts, actions, or programs to prevent or control infestations of harmful nonnative species, that—

(A) minimize adverse impacts to the structure and function of an ecosystem and adverse effects on nontarget species and ecosystems; and

(B) emphasize integrated management techniques.

(5) FEDERAL LANDS.—The term "Federal lands" means all lands and waters that are owned and administered by the Department of the Interior or the National Forest Service or are held in trust by the Federal Government for an Indian tribe.

(6) HARMFUL NONNATIVE SPECIES.—The term "harmful nonnative species"—

(A) subject to subparagraphs (B) and (C), means, with respect to a particular ecosystem in a particular region, any species, including its seeds, eggs, spores, or other biological material capable of propagating that species, that is not native to that ecosystem and has a demonstrable or potentially demonstrable negative environmental or economic impact in that region;

(B) does not include any plant or plant product that can directly or indirectly injure or cause damage to crops (including nursery stock or plant products), livestock, poultry, or other interests of agriculture; and

(C) does not include non-feral livestock.

(7) INDIAN TRIBE.—The term "Indian tribe" has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(8) NATIONAL MANAGEMENT PLAN.—The term "National Management Plan" means the management plan referred to in section 5 of Executive Order 13112 of February 3, 1999, and entitled "Meeting the Invasive Species Challenge".

(9) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(10) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any other territory or possession of the United States, and any Indian tribe.

SEC. 4. ALDO LEOPOLD NATIVE HERITAGE GRANT PROGRAM.

(a) IN GENERAL.—The Secretary may provide—

(1) a grant to any eligible applicant to carry out a qualified control project in accordance with this section; and

(2) a grant to any State to carry out an assessment project in accordance with this section to assess, consistent with relevant State plans that have been developed in whole or in part for the conservation of fish, wildlife, and their habitats—

(A) the needs to restore, manage, or enhance native fish or wildlife and their natural habitats and processes in the State through control of harmful nonnative species; and

(B) priorities for actions to address such needs.

Such program shall be known as the "Aldo Leopold Native Heritage Grant Program".

(b) FUNCTIONS OF THE SECRETARY.—

(1) IN GENERAL.—The Secretary shall—

(A) solicit, receive, review, evaluate, and approve applications for grants under this section;

(B) consult with the Council on the projects proposed for grants under this section, including regarding the priority of proposed projects for such grants; and

(C) consult with the Council regarding the development of the database required under subsection (j).

(2) ADVICE.—To obtain advice regarding proposed grants under this section, including advice on the scientific merit, technical merit, and feasibility of a proposed grant, the Secretary shall consult with the advisory committee established under section 3(b) of Executive Order 13112 of February 3, 1999.

(3) DELEGATION OF AUTHORITY.—The Secretary may delegate to another Federal instrumentality the authority of the Secretary under this section, other than the authority to approve applications for grants and make grants.

(c) FUNCTIONS OF THE COUNCIL.—The Council shall—

(1) consult with the Secretary to create criteria and guidelines for grants under this section;

(2) consult with the Secretary regarding whether proposed control projects are qualified control projects; and

(3) carry out functions relating to monitoring control projects under subsection (j).

(d) ELIGIBLE APPLICANT.—To be an eligible applicant for purposes of subsection (a)(1), an applicant shall—

(1) be a State, local government, interstate or regional agency, or private person; and

(2) have adequate personnel, funding, and authority to carry out and monitor or maintain a control project.

(e) QUALIFIED CONTROL PROJECT.—

(1) IN GENERAL.—To be a qualified control project under this section, a project shall—

(A) control harmful nonnative species on the lands or waters on which it is conducted;

(B) include a plan for monitoring the project area and maintaining effective control of harmful nonnative species after the completion of the project, that is consistent with standards for monitoring developed under subsection (j);

(C) be conducted in partnership with a Federal agency; and

(D) be conducted on non-Federal lands or waters that, for purposes of carrying out the project, are under the control of the eligible applicant applying for the grant under this section and on adjacent Federal lands or waters administered by the Federal agency referred to in subparagraph (C), that are—

(i) administered for the long-term conservation of such lands and waters and the native fish and wildlife dependent thereon; and

(ii) managed to prevent the future reintroduction or dispersal of harmful nonnative species from the lands and waters on which the project is carried out.

(2) OTHER FACTORS FOR SELECTION OF PROJECTS.—In ranking qualified control projects, the Secretary may consider the following:

(A) The extent to which a project would address the operational backlog of the National Wildlife Refuge System attributed to nonnative species.

(B) Whether a project will encourage increased coordination and cooperation among one or more Federal agencies and State or local government agencies or nongovernmental or other private entities to control harmful nonnative species.

(C) Whether a project fosters public-private partnerships and uses Federal resources to encourage increased private sector involvement, including consideration of the amount of private funds or in-kind contributions to control harmful nonnative species.

(D) The extent to which a project would aid the conservation of species that are listed under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(E) Whether a project includes pilot testing or a demonstration of an innovative technology having the potential for improved cost-effectiveness in controlling harmful nonnative species.

(f) DISTRIBUTION OF CONTROL GRANT AWARDS.—In making grants for control projects under this section the Secretary shall, to the greatest extent practicable, ensure—

(1) a balance of smaller and larger projects conducted with grants under this section; and

(2) an equitable geographic distribution of projects carried out with grants under this section, among all States within which such projects are proposed to be conducted.

(g) GRANT DURATION.—

(1) IN GENERAL.—Each grant under this section shall be to provide funding for the Federal share of the cost of a project carried out with the grant for up to 2 fiscal years.

(2) RENEWAL.—(A) If the Secretary, after reviewing the reports under subsection (h) regarding a control project, finds that the project is making satisfactory progress, the Secretary may renew a grant under this section for the project for an additional 3 fiscal years.

(B) The Secretary may renew a grant under this section to implement the monitoring and maintenance plan required for a control project under subsection (e)(1)(B) for up to 5 fiscal years after the project is otherwise completed.

(h) REPORTING BY GRANTEE.—

(1) IN GENERAL.—(A) A grantee carrying out a control project with a grant under this section shall report annually to the Secretary.

(B) A State carrying out assessment project with a grant under this section shall submit the assessment to the Secretary no later than 24 months after the grant is awarded.

(2) REPORT CONTENTS.—Each report under this subsection shall include the following information with respect to each project covered by the report:

(A) In the case of a control project—

(i) the information described in subparagraphs (B), (D), and (F) of subsection (k)(2); and

(ii) specific information on the methods and techniques used to control harmful nonnative species in the project area, including any specific information on the methods and techniques used to restore native fish, wildlife, or their habitats in the project area.

(B) A detailed report of the funding for the grant and the expenditures made.

(i) COST SHARING FOR PROJECTS.—

(1) FEDERAL SHARE.—Except as provided in paragraphs (2) and (3), the Federal share of the cost of a project carried out with a grant under this section shall not exceed 75 percent of such cost.

(2) INNOVATIVE TECHNOLOGY COSTS.—The Federal share of the incremental additional cost of including in a control project any pilot testing or a demonstration of an innovative technology described in subsection (e)(2)(E) shall be 85 percent.

(3) PROJECTS ON FEDERAL LANDS OR WATERS.—The Federal share of the cost of the portion of a control project funded with a grant under this section that is carried out on Federal lands or waters, including the cost of acquisition by the Federal Government of inholdings within Federal lands or waters for use for such a project, shall be 100 percent.

(4) APPLICATION OF IN-KIND CONTRIBUTIONS.—The Secretary may apply to the non-Federal share of costs of a control project carried out with a grant under this section the fair market value of services or any other form of in-kind contribution to the project made by non-Federal interests that the Secretary determines to be an appropriate contribution equivalent to the monetary amount required for the non-Federal share of the activity.

(5) DERIVATION OF NON-FEDERAL SHARE.—The non-Federal share of the cost of a control project carried out with a grant under this section may not be derived from a Federal grant program or other Federal funds.

(j) MONITORING AND MAINTENANCE OF CONTROL GRANT PROJECTS.—

(1) REQUIREMENTS.—The Council, in consultation with the Secretary, shall develop requirements for the monitoring and maintenance of a control project to ensure that the requirements under subsections (e)(1)(A) and (B) are achieved.

(2) DATABASE OF GRANT PROJECT INFORMATION.—The Council shall develop and maintain an appropriate database of information concerning control projects carried out with grants under this subsection, including information on project techniques, project completion, monitoring data, and other relevant information.

(3) USE OF EXISTING PROGRAMS.—The Council shall use existing programs within the Federal Government to create and maintain the database required under this subsection.

(4) PUBLIC AVAILABILITY.—The Council shall make the information collected and maintained under this subsection available to the public.

(k) REPORTING BY SECRETARY.—

(1) IN GENERAL.—The Secretary shall, by not later than 2 years after the date of the enactment of this Act and every 2 years thereafter, report to the appropriate Committees on the implementation of this section.

(2) REPORT CONTENTS.—A report under paragraph (1) shall include a biennial assessment of—

(A) trends in the population size and distribution of harmful nonnative species in the project area for each control project carried out with a grant under this section, and in the adjacent areas as defined by the Secretary;

(B) data on the number of acres of native fish and wildlife habitat restored, protected, or enhanced under this section, including descriptions of, and partners involved with, control projects selected, in progress, and completed under this section with respect to those acres by Federal, State, and local agencies and other entities;

(C) trends in the population size and distribution of native species in the project areas, and in adjacent areas as defined by the Secretary;

(D) an estimate of the long-term success of varying conservation techniques used in carrying out control projects with grants under this section;

(E) an annual assessment of the status of control projects carried out with grants under this section, including an accounting of expenditures by Federal, State, regional, and local government agencies and other entities to carry out such projects;

(F) a review of the environmental soundness of the control projects carried out with grants under this section;

(G) a review of efforts made to maintain an appropriate database of grants under this section; and

(H) a review of the geographical distribution of Federal money, matching funds, and in-kind contributions for control projects carried out with grants under this section.

(l) COOPERATION OF NON-FEDERAL INTERESTS.—The Secretary may not make a grant under this section for a control project on Federal lands before a non-Federal interest has entered into a written agreement with the Secretary under which the non-Federal interest agrees to—

(1) monitor and maintain the control project in accordance with the plan required under subsection (e)(1)(B); and

(2) provide any other items of cooperation the Secretary considers necessary to carry out the project.

SEC. 5. CREATION OF A RAPID RESPONSE CAPABILITY TO HARMFUL NONNATIVE SPECIES.

(a) ESTABLISHMENT.—The Secretary may provide financial assistance to enable a rapid response to outbreaks of harmful nonnative species that are at a stage at which rapid eradication or control is possible, and ensure eradication or immediate control of the harmful nonnative species.

(b) REQUIREMENTS FOR ASSISTANCE.—The Secretary shall provide assistance under this section, at the request of the Governor of a State, to local and State agencies or nongovernmental entities for the eradication of an immediate harmful nonnative species threat in the State only if—

(1) there is a demonstrated need for the assistance;

(2) the harmful nonnative species is considered to be an immediate threat to native fish, wildlife, or their habitats, as determined by the Secretary; and

(3) the proposed response to such threat—

(A) is technically feasible; and

(B) minimizes adverse impacts to the structure and function of an ecosystem and adverse effects on non-target species and ecosystems.

(c) AMOUNT OF FINANCIAL ASSISTANCE.—The Secretary shall determine the amount of financial assistance to be provided under this section with respect to an outbreak of a harmful nonnative species, subject to the availability of appropriations.

(d) COST SHARE.—The Federal share of the cost of any activity carried out with assistance under this section may be up to 100 percent.

(e) MONITORING AND REPORTING.—The Secretary shall—

(1) require that persons receiving assistance under this section report on activities carried out with such assistance in the same manner as control project grantees under section 4; and

(2) monitor and report on activities carried out with assistance under this section in accordance with the requirements that apply with respect to control projects carried out with assistance under section 4.

SEC. 6. RELATIONSHIP TO OTHER AUTHORITIES.

Nothing in this Act affects authorities, responsibilities, obligations, or powers of the Secretary under any other statute.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

(a) ALDO LEOPOLD NATIVE HERITAGE PROGRAM GRANTS.—There is authorized to be appropriated to the Secretary to carry out section 4 $62,000,000 for each of fiscal years 2003 through 2008.

(b) RAPID RESPONSE ASSISTANCE.—There is authorized to be appropriated to the Secretary to carry out section 5 $10,000,000 for each of fiscal years 2003 through 2008.

(c) MONITORING.—There is authorized to be appropriated to the Secretary to support the Council in its acquisition, maintenance, and management of monitoring data on grant projects carried out under this Act, $3,000,000 for each of fiscal years 2003 through 2008.

(d) CONTINUING AVAILABILITY.—Amounts appropriated under this Act may remain available until expended.

(e) ADMINISTRATIVE EXPENSES OF SECRETARY.—Of amounts available each fiscal year to carry out this Act, the Secretary may expend not more than 5 percent to pay the administrative expenses necessary to carry out this Act, including such expenses incurred by the Council.

Amend the title so as to read:

A bill to control harmful nonnative species on Federal lands, and for other purposes.

PURPOSE OF THE BILL

The purpose of H.R. 3558, as ordered reported, is to control harmful nonnative species on federal lands, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

Nonnative species (those alien to the ecosystem) can cause economic or environmental harm or harm to human health. These species typically have high reproductive rates, disperse easily, can tolerate a wide range of environmental conditions, and lack predators in their new environments. Consequently, they may out-compete, displace, or directly prey upon native species.

Most harmful nonnative species arrive in conjunction with human activity, especially transportation. Often species arrive as contaminants of bulk commodities, in packing materials, shipping containers, or ships' ballast. For example, microorganisms, zooplankton, fish species and algae capable of producing harmful algal blooms can be introduced from the ballast water carried by commercial vessels. While many invasive species have been introduced into the United States unintentionally, others have been brought in by design as crops, livestock, pets, or aquaculture species.

The impacts of harmful nonnative species to the environment and United States economy are profound. Scientists estimate that invasive nonnative species have contributed to the placement of 35 to 46 percent of the plants and animals listed for special protection under the Endangered Species Act. Additionally, they affect people's livelihoods and place industries such as agriculture, ranching, and fisheries at significant risk. The overall economic impact is difficult to quantify, but according to a Cornell University study the estimated economic losses and associated control costs are approximately $137 billion per year.

Thousands of harmful nonnative species have established populations in the United States, and almost every area of the country has at least one highly-damaging species. Many such species are found on public lands, including National Parks, National Forests and National Wildlife Refuges. Harmful nonnative species located at National Wildlife Refuges, for example, diminish habitat quality, supplant native species, and contribute approximately $140 million dollars to the Refuges' operations backlog. Though some control measures have been shown to be effective, those measures are generally resource-intensive and very expensive. Rapid response initiatives have proven effective to contain or eradicate invasive pests affecting agricultural crops or livestock, but have only infrequently been used in natural communities. Early response activities are also generally less expensive than methods and techniques used to address established species.

Much of the scientific literature to date concludes that the U.S. needs to strengthen its legal authorities and existing programs to effectively address harmful nonnative species. A 1993 report by the Office of Technology Assessment, "Harmful Non-indigenous Species in the United States," states that, "Federal laws leave both obvious and subtle gaps in the regulation of harmful NIS (invasive spe-

cies).” Additionally, the levels of funding available for combating harmful nonnative species are small compared to their environmental and economic impact and primarily focused on agriculture. According to a July 2001 Government Accounting Office report, rapid response capabilities are hindered by the lack of a national system and effective coordination.

H.R. 3558 is intended to address this problem through increased coordination, rapid response capability and increased financial resources.

COMMITTEE ACTION

H.R. 3558 was introduced on December 20, 2001, by Congressman Nick J. Rahall II (D–WV). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Fisheries Conservation, Oceans and Wildlife, the Subcommittee on Forests and Forest Health, and the Subcommittee on National Parks, Recreation and Public Lands. On March 14, 2002, the Subcommittees held a joint hearing on the bill. On April 17, 2002, the Subcommittee on Fisheries Conservation, Oceans and Wildlife met to mark up the bill. No amendments were offered and the bill was ordered favorably reported to the Full Committee by voice vote. On May 22, 2002, the Resources Committee met to consider the bill. The Subcommittee on Forests and Forest Health and the Subcommittee on National Parks, Recreation and Public Lands were discharged from further consideration of the bill by unanimous consent. Mr. Rahall offered an amendment in the nature of a substitute. The amendment authorizes grants for the control of harmful nonnative species and rapid response activities related to harmful nonnative species outbreaks. It was adopted by unanimous consent. The bill, as amended, was then ordered favorably reported to the House of Representatives by unanimous consent.

SECTION-BY-SECTION ANALYSIS OF BILL AS ORDERED REPORTED

Section 1. Short title

This section provides the bill’s sort title, the “Species Protection and Conservation of the Environment Act”.

Section 2. Purpose

This section provides the purpose of the bill, which is to control harmful nonnative species on federal lands.

Section 3. Definitions

This section specifies the meanings of terms used throughout the bill.

When used in this bill, “control” means eradicating, suppressing, reducing or managing harmful nonnative species, preventing their spread and restoring native species and habitats on federal lands and waters and adjacent non-federal lands. It is intended that projects undertaken with Leopold Grants authorized under section 4 of the bill take into account all parts of this definition and, as appropriate, include activities to prevent the movement of these species into or out of the project areas. Effective management of harmful nonnative species includes population control, prevention

of reintroduction or dispersal of invasive species, and restoration of native habitats. These efforts should not infringe upon the use of property outside the project boundaries without the consent of the property owner.

The definition of harmful nonnative species excludes any plant or plant product that can cause damage to crops (or other agricultural interests), and non-feral livestock. Other federal programs, particularly programs administered though the U.S. Department of Agriculture, are available to combat invasive species that threaten agricultural production. This bill is not intended to prevent, control, or modify the grazing of livestock on public land. The intent is to address those invasive species most directly associated with negative impacts affecting native fish and wildlife and their habitat.

Section 4. Aldo Leopold Native Heritage Grant Program

This section establishes the Aldo Leopold Native Heritage Grant Program. This program provides grants for adequately staffed and funded States, local governments, interstate or regional agencies, or individuals to carry out voluntary harmful nonnative species control projects in collaboration with federal land managers. In addition, grants could be awarded to States to assess needs and priorities for controlling nonnative species. Projects are selected by the Secretary of the Interior in consultation with the Invasive Species Council and its Advisory Council (both established under Executive Order 13112).

Qualified projects must control harmful nonnative species, include a post-project monitoring plan, be conducted in partnership with a federal agency, and be conducted on federal and adjacent non-federal lands that are both administered for long term conservation and managed to prevent future introductions of nonnative species. Ranking factors for selecting projects include whether the project addresses the operational backlog in the National Wildlife Refuge System; if the project has multiple cooperating stakeholders from various public and private institutions; if the project aids species listed under the Endangered Species Act; and if the project includes innovative technologies for controlling harmful nonnative species. The requirement that projects be carried out by partnerships among federal land managers and non-federal entities emphasizes the importance of interjurisdictional collaboration in controlling nonnative species. These partnerships recognize the ecological reality that harmful nonnative species infestations are not limited by political or other property boundaries.

Leopold Grants provide two years of funding with a potential three year renewal for completion of project work. Following project completion, grant recipients are eligible to apply for funding to implement project monitoring requirements for up to five years. State assessment grants last two years and require the assessment be submitted to the Secretary of the Interior on completion. Grant recipients are to report annually on acres of habitat restored and to estimate the long-term success and review the environmental soundness of control techniques that were used.

Project monitoring will be an important element of the Leopold Grant Program. The Invasive Species Council is required to establish monitoring requirements and to establish, coordinate and maintain a database for information concerning the control

projects. Project monitoring is necessary to evaluate the effectiveness of employed control techniques. Grant recipients must submit a monitoring plan based on requirements established by the Invasive Species Council. In implementing this monitoring and maintenance plan, the Committee intends that monitoring occur for a period of time sufficient to determine the success of the project, and the control techniques that were used. Generally, this time period is anticipated to be at least ten years in duration. The grantee is required to enter into a written agreement with the Secretary agreeing to conduct monitoring and provide any other items of cooperation necessary to assure the project's feasibility. It is expected that grant recipients will assume the full cost for the long-term maintenance of the project area.

This grant program funds 75 percent of the cost of qualified projects on non-federal land, and 100 percent of the cost of the project on federal land. The portion of projects on non-federal lands that are associated with innovative technology would receive 85 percent federal funding. The Secretary of the Interior is required to submit a biennial report to Congress on the grants' effect on the population trends of harmful nonnative and native species, the acres restored to native habitat, the population of native species in the project area, and other accounting data.

Section 5. Creation of a rapid response capability to harmful nonnative species

This section provides the Secretary of the Interior with authority to provide financial assistance to address new harmful nonnative species outbreaks. This assistance is provided to a State at request of the Governor if: (1) there is a demonstrated need; (2) the presence of the nonnative species is considered an immediate threat; and (3) the proposed response is feasible and minimizes adverse effects to the affected ecosystem. The Secretary determines the amount of financial assistance deemed appropriate and there are no cost-sharing provisions. Reporting requirements of the Secretary and the grantee are similar to section 4 of the bill. Because of the importance of responding quickly to developing infestations of harmful nonnative species, it is expected that minimal administrative and bureaucratic impedances will hinder the rapid disbursement of these funds.

Section 6. Relationship to other authorities

Nothing in this bill affects authorities, responsibilities, obligations, or powers of the Secretary of the Interior under any other statute.

Section 7. Authorizations of appropriations

Aldo Leopold Native Heritage Grants are authorized at $62 million per year for five years (fiscal years 2003 through 2008). The rapid response capabilities are authorized $10 million per year and the monitoring activities are authorized $3 million per year from fiscal year 2003 until fiscal year 2008.

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 Re-

sources' 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 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 protect, conserve, and restore native fish, wildlife, and their natural habitats on federal lands through the cooperative, incentive-based grants to control, mitigate and eradicate harmful nonnative species.

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:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 31, 2002.

Hon. JAMES V. HANSEN,
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. 3558, the Species Protection and Conservation of the Environment Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Megan Carroll.

Sincerely,

STEVEN M. LIEBERMAN,
(For Dan L. Crippen, Director).

Enclosure.

H.R. 3558—Species Protection and Conservation of the Environment Act

Summary: H.R. 3558 would authorize the appropriation of $75 million a year over the 2003–2008 period for new programs to control, mitigate, and eradicate harmful nonnative species on federal

lands. CBO estimates that implementing the bill would cost $8 million in 2003 and $169 million over the 2003–2007 period, assuming appropriation of the authorized amounts. H.R. 3558 would not effect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

H.R. 3558 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. The grant funds authorized by this bill would benefit state and local governments. Any costs incurred by these governments to comply with the conditions of this assistance would be voluntary.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 3558 is shown in the following table. The costs of this legislation fall within budget function 200 (natural resources and environment).

	By fiscal year, in millions of dollars—				
	2003	2004	2005	2006	2007
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Authorization level	75	75	75	75	75
Estimated outlays	8	19	31	48	63

Basis of estimate: CBO estimates that implementing H.R. 3558 would cost $8 million in 2003 and $169 million over the next five years, assuming appropriation of the authorized amounts. For this estimate, we assume H.R. 3558 will be enacted near the end of 2002, and that authorized amounts will be provided as specified by the bill. Estimates of outlays are based on information from the Department of the Interior and the National Invasive Species Council, as well as spending patterns for similar activities.

H.R. 3558 would authorize the appropriation of $62 million a year over the 2003–2008 period for the Secretary of the Interior to provide grants to states, local governments, or other eligible applicants to assess the need for projects to restore fish and wildlife habitat and to implement such projects. CBO estimates that such grants would cost $3 million in 2003 and $124 million over the next five years.

The bill would allow the Secretary to provide financial assistance to help state and local governments respond to outbreaks of harmful nonnative species and would authorize the appropriation of $10 million a year over the 2003–2008 period for that purpose. We estimate that the Secretary would spend $2 million and $30 million over the 2003–2008 period for such assistance.

Finally, H.R. 3558 would authorize the appropriation of $3 million a year over the same period for the Secretary to monitor projects funded through grants and financial assistance under the bill. CBO estimates that these activities would cost $3 million in 2003 and $15 million over the next five years.

Pay-as-you-go considerations: None.

Intergovernmental and private-sector impact: H.R. 3558 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. The grant funds authorized by this bill would benefit state and local governments. Any costs incurred by these governments to comply with the conditions of this assistance would be voluntary.

Estimate prepared by: Federal costs: Megan Carroll; impact on state, local, and tribal governments: Marjorie Miller; impact on the private sector: Cecil McPherson.

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.

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