

TO AMEND THE NUTRIA ERADICATION AND CONTROL
ACT OF 2003 TO INCLUDE CALIFORNIA IN THE PRO-
GRAM, AND FOR OTHER PURPOSES

FEBRUARY 25, 2020.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. GRIJALVA, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 3399]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 3399) to amend the Nutria Eradication and Control Act of 2003 to include California in the program, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. NUTRIA ERADICATION.

The Nutria Eradication and Control Act of 2003 (Public Law 108-16) is amend-
ed—

(1) in section 2—

(A) in subsection (a)—

(i) in paragraph (1), by striking “Wetlands and tidal marshes of the Chesapeake Bay and in Louisiana” and inserting “Wetlands, tidal marshes, and agricultural lands”;

(ii) in paragraph (2), by striking “in Maryland and Louisiana”; and

(iii) by amending paragraph (3) to read as follows:

“(3) Traditional harvest methods to control or eradicate nutria have failed. Consequently, marsh loss, loss of public and private wetlands, and loss of agricultural lands are accelerating.”; and

(B) in subsection (b), by striking “the State of Maryland and the State of Louisiana” and inserting “any State that has demonstrated the need”;

and

(2) in section 3—

(A) by amending subsection (a) to read as follows:

“(a) GRANT AUTHORITY.—The Secretary of the Interior (referred to in this Act as the ‘Secretary’), may provide financial assistance to a State, in an amount that is in proportion to the total impacted area of such State affected by nutria, that has

demonstrated to the Secretary sufficient need for a program to implement measures to eradicate or control nutria and restore marshland, public and private wetlands, and agricultural lands damaged by nutria.”;

- (B) by striking subsection (b);
- (C) in subsection (d)—
 - (i) in paragraph (1), by striking “the program may” and inserting “a State program referred to in subsection (a) may”; and
 - (ii) in paragraph (2), by striking “the program may” and inserting “a State program referred to in subsection (a) may”;
- (D) in subsection (e), by inserting “to a State” after “provided”;
- (E) in subsection (f), by striking “\$4,000,000” and all that follows and inserting “\$12,000,000 for each of fiscal years 2021 through 2025.”; and
- (F) by redesignating subsections (c) through (f) as subsections (b) through (e).

PURPOSE OF THE BILL

The purpose of H.R. 3399 is to amend the Nutria Eradication and Control Act of 2003 to include all affected states in the program, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

Nutria (*Myocastor coypus*) are an invasive wetland species that have been found in coastal areas of the Gulf of Mexico, East Coast, West Coast, and other wetland areas scattered throughout the United States. These large, aquatic rodents were initially introduced into the United States in 1899 for fur production,¹ and they began establishing populations in the 1930s.² Nutria breed rapidly and have destructive tendencies that can lead to breached levees, extensive erosion, damage to native vegetation and agricultural crops, displacement of indigenous species, and disease and parasite introduction, threatening humans, livestock, and pets.³ Nutria’s burrowing and consumption habits pose a severe threat to wetlands throughout the United States, which are essential habitat for waterfowl and other wildlife and act as “buffers” from extreme weather events.⁴ Since European settlement, wetlands in the United States have declined to less than half of their original extent.⁵ Had measures not been adopted to control and eradicate nutria in the Chesapeake Bay, nutria could have destroyed 17 percent of the Bay’s marshes in a fifty-year period, according to estimates.⁶

In 2003, the Nutria Eradication and Control Act⁷ authorized the Secretary of the Interior to provide financial assistance to Maryland and Louisiana for a program to eradicate or control nutria and restore marshland damaged by nutria.⁸ H.R. 3399, as reported,

¹Susan Jojola, Gary W. Witmer & Dale Nolte, USDA Animal & Plant Health Inspection Serv.—Wildlife Servs., *Nutria: An Invasive Rodent Pest or Valued Resource?*, PROC. 11TH WILDLIFE DAMAGE MGMT. CONF. 110 (2005), https://digitalcommons.unl.edu/icwdm_wdmconfproc/110/.

²Nutria, USDA NAT’L INVASIVE SPECIES INFO. CTR., <https://www.invasivespeciesinfo.gov/profile/nutria> (last accessed Feb. 24, 2020) (citing Jojola et al., *supra* note 1).

³*California’s Invaders: Nutria*, CAL. DEPT OF FISH & WILDLIFE, <https://www.wildlife.ca.gov/Conservation/Invasives/Species/Nutria> (last accessed Feb. 24, 2020).

⁴*See, e.g.*, U.S. EPA, OFF. OF WETLANDS, OCEANS & WATERSHEDS, OFF. OF RES. & DEV., EPA-843-R-15-005, NATIONAL WETLAND CONDITION ASSESSMENT 2011 (2016), https://www.epa.gov/sites/production/files/2016-05/documents/nwca_2011_public_report_20160510.pdf.

⁵*Id.* at 4.

⁶ROB SOUTHWICK & PAT FOSTER-TURLEY, PH.D., SOUTHWICK ASSOCS., INC., POTENTIAL ECONOMIC LOSSES ASSOCIATED WITH UNCONTROLLED NUTRIA POPULATIONS IN MARYLAND’S PORTION OF THE CHESAPEAKE BAY (2004), https://www.fws.gov/chesapeakenutriaproject/pdfs/Southwick_Economic_rpt.pdf (prepared for the Maryland Department of Natural Resources).

⁷Pub. L. No. 108-16, <https://www.govinfo.gov/content/pkg/PLAW-108publ16/pdf/PLAW-108publ16.pdf>, 117 Stat. 621 (2003), <https://uscode.house.gov/statviewer.htm?volume=117&page=621>.

⁸*Id.* at § 3(a).

amends the Nutria Eradication and Control Act to include any affected state,⁹ including California, which now has an expanding breeding population of nutria in the San Joaquin Valley and adjacent areas.¹⁰ In addition, the bill, as reported, includes language to adjust the grant authority to be in proportion to the total impacted area affected by nutria infestation and to authorize \$12 million in appropriations for each of fiscal years 2021 through 2025.

COMMITTEE ACTION

H.R. 3399 was introduced on June 21, 2019, by Representative Josh Harder (D–CA). The bill was referred solely to the Committee on Natural Resources, and within the Committee to the Subcommittee on Water, Oceans, and Wildlife. On September 24, 2019, the Subcommittee held a hearing on the bill. On January 29, 2020, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. Chair Raúl M. Grijalva (D–AZ) offered an amendment in the nature of a substitute. The amendment in the nature of a substitute was agreed to by unanimous consent. The bill, as amended, was adopted and ordered favorably reported to the House of Representatives by unanimous consent.

HEARINGS

For the purposes of section 103(i) of H. Res. 6 of the 116th Congress—the following hearing was used to develop or consider H.R. 3399: legislative hearing by the Subcommittee on Water, Oceans, and Wildlife held on September 24, 2019.

SECTION-BY-SECTION ANALYSIS

Section 1. Nutria eradication

Paragraph 1 of this section amends the Nutria Eradication and Control Act of 2003 to expand the program to allow all affected states to qualify for the grant program, rather than just Maryland and Louisiana. Under this provision, the Secretary of Interior may provide financial assistance to a state—in an amount that is in proportion to the state’s total impacted area affected by nutria—to help eradicate or control nutria and restore marshlands, wetlands, and agricultural lands damaged by nutria.

Paragraph 2 of this section authorizes the appropriation of \$12 million for each of fiscal years 2021 through 2025.

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 Natural Resources’ oversight findings and recommendations are reflected in the body of this report.

⁹H.R. 3399, as introduced, expanded the Nutria Eradication and Control Act of 2003 only to include California. At markup, the Committee on Natural Resources adopted an amendment in the nature of a substitute to expand the program to any state with a nutria infestation and a demonstrated need for assistance.

¹⁰*Discovery of Invasive Nutria in California*, CAL. DEPT OF FISH & WILDLIFE, <https://www.wildlife.ca.gov/Conservation/Invasives/Species/Nutria/Infestation> (last accessed Feb. 24, 2020).

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL
BUDGET ACT

1. *Cost of Legislation and the Congressional Budget Act.* With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has received the following estimate for the bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 21, 2020.

Hon. RAÚL M. GRIJALVA,
*Chairman, Committee on Natural Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3399, a bill to amend the Nutria Eradication and Control Act of 2003 to include California in the program, and for other purposes.

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

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

H.R. 3399, a bill to amend the Nutria Eradication and Control Act of 2003 to include California in the program, and for other purposes			
As ordered reported by the House Committee on Natural Resources on January 29, 2020			
By Fiscal Year, Millions of Dollars	2020	2020-2025	2020-2030
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	0	52	not estimated
Statutory pay-as-you-go procedures apply?	No	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2031?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

H.R. 3399 would authorize the annual appropriation of \$12 million over the 2021–2025 period for the U.S. Fish and Wildlife Service to provide financial assistance to states to eradicate nutria, an invasive rodent species, and to restore wetlands damaged by nutria. In 2020, the agency allocated \$4 million for that purpose.

Assuming appropriation of the authorized amounts, and based on historical spending patterns for similar activities, CBO estimates that implementing H.R. 3399 would cost \$52 million over the 2020–2025 period. The costs of the bill, detailed in Table 1, fall within budget function 300 (natural resources and environment).

TABLE 1.—ESTIMATED INCREASES IN SPENDING SUBJECT TO APPROPRIATION UNDER H.R. 3399

	By fiscal year, millions of dollars						
	2020	2021	2022	2023	2024	2025	2020–2025
Authorization	0	12	12	12	12	12	60
Estimated Outlays	0	7	10	11	12	12	52

The CBO staff contact for this estimate is Janani Shankaran. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

2. *General Performance Goals and Objectives.* As required by clause 3(c)(4) of rule XIII, the general performance goals and objectives of this bill are to amend the Nutria Eradication and Control Act of 2003 to include all affected states in the program.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

UNFUNDED MANDATES REFORM ACT STATEMENT

This bill contains no unfunded mandates.

EXISTING PROGRAMS

This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to 31 U.S.C. § 6104 as relating to other programs.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

PREEMPTION OF STATE, LOCAL, OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill’s purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

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 omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

NUTRIA ERADICATION AND CONTROL ACT OF 2003

* * * * *

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) **Wetlands and tidal marshes of the Chesapeake Bay and in Louisiana** *Wetlands, tidal marshes, and agricultural lands* provide significant cultural, economic, and ecological benefits to the Nation.

(2) The South American nutria (*Myocastor coypus*) is directly contributing to substantial marsh loss **in Maryland and Louisiana** on Federal, State, and private land.

Traditional harvest methods to control or eradicate nutria have failed in Maryland and have had limited success in the eradication of nutria in Louisiana. Consequently, marsh loss is accelerating.

Traditional harvest methods to control or eradicate nutria have failed. Consequently, marsh loss, loss of public and private wetlands, and loss of agricultural lands are accelerating.

(4) The nutria eradication and control pilot program authorized by Public Law 105-322 is to develop new and effective methods for eradication of nutria.

(b) PURPOSE.—The purpose of this Act is to authorize the Secretary of the Interior to provide financial assistance to **the State of Maryland and the State of Louisiana** *any State that has demonstrated the need* for a program to implement measures to eradicate or control nutria and restore marshland damaged by nutria.

SEC. 3. NUTRIA ERADICATION PROGRAM.

GRANT AUTHORITY.—The Secretary of the Interior (in this Act referred to as the “Secretary”), subject to the availability of appropriations, may provide financial assistance to the State of Maryland and the State of Louisiana for a program to implement measures to eradicate or control nutria and restore marshland damaged by nutria.

GRANT AUTHORITY.—*The Secretary of the Interior (referred to in this Act as the “Secretary”), may provide financial assistance to a State, in an amount that is in proportion to the total impacted area of such State affected by nutria, that has demonstrated to the Secretary sufficient need for a program to implement measures to eradicate or control nutria and restore marshland, public and private wetlands, and agricultural lands damaged by nutria.*

GOALS.—The goals of the program shall be to—

(1) eradicate nutria in Maryland;

(2) eradicate or control nutria in Louisiana and other States; and

(3) restore marshland damaged by nutria.

ACTIVITIES.—In the State of Maryland, the Secretary shall require that the program consist of management, research, and public education activities carried out in accordance with the document published by the United States Fish and Wildlife Service entitled “Eradication Strategies for Nutria in the Chesapeake and Delaware Bay Watersheds”, dated March 2002.

(c) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the costs of **the program may** *a State program referred to in subsection (a)* may not exceed 75 percent of the total costs of the program.

(2) IN-KIND CONTRIBUTIONS.—The non-Federal share of the costs of **the program may** *a State program referred to in subsection (a)* may be provided in the form of in-kind contributions of materials or services.

[(e)] (d) LIMITATION ON ADMINISTRATIVE EXPENSES.—Not more than 5 percent of financial assistance provided *to a State* by the Secretary under this section may be used for administrative expenses.

[(f)] (e) AUTHORIZATION OF APPROPRIATIONS.—For financial assistance under this section, there is authorized to be appropriated to the Secretary **[\$4,000,000 for the State of Maryland program and \$2,000,000 for the State of Louisiana program for each of fiscal years 2004, 2005, 2006, 2007, and 2008.] \$12,000,000 for each of fiscal years 2021 through 2025.**

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SUPPLEMENTAL, MINORITY, ADDITIONAL, OR DISSENTING VIEWS

None.

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