

NORTH AMERICAN WETLANDS CONSERVATION COUNCIL  
EXPANSION ACT OF 1999

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OCTOBER 18, 1999.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

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Mr. YOUNG of Alaska, from the Committee on Resources,  
submitted the following

REPORT

[To accompany H.R. 2821]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 2821) to amend the North American Wetlands Conservation Act to provide for appointment of 2 additional members of the North American Wetlands Conservation Council, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 2821 is to amend the North American Wetlands Conservation Act to provide for the appointment of two additional members of the North American Wetlands Conservation Council.

BACKGROUND AND NEED FOR LEGISLATION

The North American Wetlands Conservation Council was created under Section 4 of the North American Wetlands Conservation Act of 1989 (Public Law 101-233). The purpose of the Council is to review and recommend meritorious wetland conservation projects to the Migratory Bird Conservation Commission. Wetlands are among the most productive habitats on Earth—serving as breeding, nursing, and wintering grounds for an array of fish and wildlife.

Any federal, State, local, or private organization may apply for a grant to conduct a wetlands conservation project in North America. These projects usually consist of purchasing wetlands outright or obtaining conservation easements, but also can include wetlands

restoration and, for projects in Mexico, some educational or management activities. All grants must be matched by non-federal funds. On average, every federal dollar spent in this program is matched by \$2.41 in other funds. Projects funded by the Commission are normally required to ensure the long-term (25 years or more) protection of wetlands through fee title ownership or perpetual easements.

To date, the Commission has approved 684 projects designed to protect, restore, and enhance critical wetlands habitat in Canada, Mexico, and the United States. This represents a financial contribution of \$288 million, which has been matched by more than 900 nongovernmental partners for a total investment of \$727 million. These funds have been used to acquire, restore, and enhance about 7.5 million acres of wetlands in the United States and Canada, and over 25.8 million acres in Mexico are being conserved under various management plans.

Section 4 of Public Law 101-233 stipulated that the Council shall consist of nine members including: the Director of the U.S. Fish and Wildlife Service, the Secretary of the Board of the National Fish and Wildlife Foundation, four individuals appointed by the Secretary of the Interior to represent the different migratory bird flyways, and three individuals appointed by the Secretary of the Interior to represent charitable and nonprofit organizations who actively participate in wetlands conservation projects.

While the appointments of the Director of the U.S. Fish and Wildlife Service and the Secretary of the Board of the National Fish and Wildlife Foundation are permanent, the other appointees are selected to serve for a period of three years. There is no statutory prohibition on the reappointment of these individuals and no statutory language or legislative history that requires a rotation system for those members representing charitable and nonprofit groups.

However, in the spring of 1998, the Secretary of the Interior instituted a term rotation policy of two consecutive terms (six years total) for organizations occupying the three nongovernmental organization Council seats. This policy further stipulated that a term-limited organization would be eligible for an additional appointment should a vacancy occur.

On November 18, 1998, the U.S. Fish and Wildlife Service printed in the Federal Register a request for public input on the Secretary's new rotation policy. While the comment period closed on January 19, 1999, there has been no further public discussion of this issue by the agency.

H.R. 2821 would expand the number of nongovernmental members of the Council by two in reaction to this new Administration policy.

#### COMMITTEE ACTION

H.R. 2821 was introduced on September 9, 1999, by Congressmen John D. Dingell (D-MI) and Curt Weldon (R-PA). H.R. 2821 was referred to the Committee on Resources and within the Committee to the Subcommittee on Fisheries Conservation, Wildlife and Oceans. On September 23, 1999, the Subcommittee conducted a hearing on H.R. 2821 where Congressman Dingell and Mr. Thom-

as O. Melius, Assistant Director for External Affairs, U.S. Fish and Wildlife Service, Department of the Interior, testified on the bill. On October 6, 1999, the Full Committee met to consider H.R. 2821. The Subcommittee on Fisheries Conservation, Wildlife 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 voice vote.

#### 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.

#### FEDERAL ADVISORY COMMITTEE STATEMENT

The advisory committee affected by this bill is already in existence.

#### 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. Government Reform Oversight Findings. Under clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform on this bill.

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, October 14, 1999.

Hon. DON YOUNG,  
 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. 2821, the North American Wetlands Conservation Council Expansion Act of 1999.

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

Sincerely,

BARRY B. ANDERSON  
 (For Dan L. Crippen, Director).

Enclosure.

*H.R. 2821—North American Wetlands Conservation Council Expansion Act of 1999*

H.R. 2821 would direct that two more members be appointed to the North American Wetlands Conservation Council. The council, which currently has nine members, reviews and recommends proposed wetlands conservation projects to the Migratory Bird Conservation Commission. CBO estimates that implementing this bill would have no significant impact on the federal budget because council members do not receive any compensation. The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. H.R. 2821 contains no private-sector or intergovernmental mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact is Deborah Reis. This estimate was 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 omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

**SECTION 4 OF THE NORTH AMERICAN WETLANDS  
CONSERVATION ACT**

**SEC. 4. ESTABLISHMENT OF NORTH AMERICAN WETLANDS CON-  
SERVATION COUNCIL.**

(a) COUNCIL MEMBERSHIP.—(1) There shall be established a North American Wetlands Conservation Council (hereinafter in this Act referred to as the “Council”) which shall consist of nine members who may not receive compensation as members of the Council. Of the Council members—

(A) \* \* \*

\* \* \* \* \*

(D) ~~three~~ *five* shall be individuals who shall be appointed by the Secretary and who shall each represent a different charitable and nonprofit organization which is actively participating in carrying out wetlands conservation projects under this Act, the Plan, or the Agreement.

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