

NATURAL RESOURCE PROTECTION COOPERATIVE  
AGREEMENT ACT

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JULY 13, 2006.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed

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

R E P O R T

[To accompany H.R. 4294]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 4294) to authorize the Secretary of the Interior to enter into cooperative agreements to protect natural resources of units of the National Park System through collaborative efforts on land inside and outside of units of the National Park System, and for other purposes, having considered the same, report favorably thereon with an amendment 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 “Natural Resource Protection Cooperative Agreement Act”.

**SEC. 2. COOPERATIVE AGREEMENTS FOR NATIONAL PARK NATURAL RESOURCE PROTECTION.**

(a) **IN GENERAL.**—The Secretary of the Interior (referred to in this Act as the “Secretary”) may enter into cooperative agreements with State, local, or tribal governments, other Federal agencies, other public entities, educational institutions, private nonprofit organizations, or participating private landowners for the purpose of protecting natural resources of units of the National Park System through collaborative efforts on land inside and outside of National Park System units.

(b) **TERMS AND CONDITIONS.**—A cooperative agreement entered into under subsection (a) shall provide clear and direct benefits to park natural resources and—

(1) provide for—

(A) the preservation, conservation, and restoration of coastal and riparian systems, watersheds, and wetlands;

- (B) preventing, controlling, or eradicating invasive exotic species that are within a unit of the National Park System or adjacent to a unit of the National Park System; or
  - (C) restoration of natural resources, including native wildlife habitat or ecosystems;
  - (2) include a statement of purpose demonstrating how the agreement will—
    - (A) enhance science-based natural resource stewardship at the unit of the National Park System; and
    - (B) benefit the parties to the agreement;
  - (3) specify any staff required and technical assistance to be provided by the Secretary or other parties to the agreement in support of activities inside and outside the unit of the National Park System that will—
    - (A) protect natural resources of the unit of the National Park System; and
    - (B) benefit the parties to the agreement;
  - (4) identify any materials, supplies, or equipment and any other resources that will be contributed by the parties to the agreement or by other Federal agencies;
  - (5) describe any financial assistance to be provided by the Secretary or the partners to implement the agreement;
  - (6) ensure that any expenditure by the Secretary pursuant to the agreement is determined by the Secretary to support the purposes of natural resource stewardship at a unit of the National Park System; and
  - (7) include such other terms and conditions as are agreed to by the Secretary and the other parties to the agreement.
- (c) LIMITATIONS.—The Secretary shall not use any funds associated with an agreement entered into under subsection (a) for the purposes of land acquisition, regulatory activity, or the development, maintenance, or operation of infrastructure, except for ancillary support facilities that the Secretary determines to be necessary for the completion of projects or activities identified in the agreement.
- (d) FUNDING.—Funds available to carry out the provisions of this Act shall be limited to programs and amounts specified in the statute for such use in the annual appropriation Act for the National Park Service.

#### PURPOSE OF THE BILL

The purpose of H.R. 4294 is to authorize the Secretary of Interior to enter into cooperative agreements to protect natural resources of units of the National park System through collaborative efforts on land inside and outside of units of the National Park System, and for other purposes.

#### BACKGROUND AND NEED FOR LEGISLATION

The Government Accountability Office recently reported that the National Park Service (NPS) is the only major federal land management agency that does not have the authority to expend resources outside its boundaries when there is a benefit to the natural resources within the boundaries of these lands. If enacted, H.R. 4294 will authorize the NPS to enter into agreements that constitute clear and direct benefits to the NPS. Two specific benefits could result from enactment of H.R. 4294: (1) organizations and private landowners would be allowed to work with the NPS for conservation and restoration of park lands; and (2) it would allow, for example, the NPS to prevent and control the spread of invasive species such as salt cedar, fountain grass, and tall whitetop before they spread into NPS lands.

#### COMMITTEE ACTION

H.R. 4294 was introduced on November 10, 2005, by Congressman Jon C. Porter (R-NV). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on National Parks. On June 21, 2006, the Full Resources Committee

met to consider the bill, at which time the Subcommittee on National Parks was discharged from further consideration of the bill. Congressman Stevan Pearce (R-NM) offered an amendment in the nature of a substitute that would add “other Federal agencies” to those who may enter into cooperative agreements with the National Park Service. The amendment was adopted by unanimous consent. The bill, as amended, was then ordered favorably reported to the House of Representatives by unanimous consent.

#### 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.** This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

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. 4294—Natural Resources Protection Cooperative Agreement Act*

H.R. 4294 would authorize the National Park Service (NPS) to enter into cooperative agreements with nonfederal partners to protect natural resources inside and outside of units of the National Park System. Currently, the agency may only execute such agreements for resource protection on nonfederal property if specifically authorized by the Congress to do so. Potential partners would include federal, state, local, and tribal government agencies, non-profit organizations, and private landowners.

CBO estimates that funding cooperative agreements on non-federal land would add a few million dollars to the NPS operating budget of around \$1.7 billion annually. The NPS has identified over 60 parks units that could benefit from projects carried out under cooperative agreements, but CBO expects that few such projects would cost more than \$50,000. Typical projects could involve weed control on state or private property outside park boundaries, fence construction on shared borders, or joint surveys of local wetlands or habitat. In all cases, spending under cooperative agreements

would depend on the availability of appropriated funds. Enacting H.R. 4294 would not affect revenues or direct spending.

H.R. 4294 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments. Any participation by nonfederal partners under cooperative agreements would be voluntary.

On March 17, 2006, CBO transmitted a cost estimate for S. 1288, the Natural Resources Protection Cooperative Agreement Act, as ordered reported by the Senate Committee on Energy and Natural Resources on March 8, 2006. S. 1288 and H.R. 4294 are very similar, and the estimated costs of the two versions of the legislation are identical.

The CBO staff contact for this estimate 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

If enacted, this bill would make no changes to existing law.

