

## Calendar No. 322

106TH CONGRESS }  
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SENATE

{ REPORT  
{ 106-188

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### ARCTIC TUNDRA HABITAT EMERGENCY CONSERVATION ACT

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OCTOBER 14, 1999.—Ordered to be printed  
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Mr. CHAFEE, from the Committee on Environment and Public  
Works, submitted the following

### REPORT

[to accompany H.R. 2454]

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works, to which was referred the bill (H.R. 2454) to assure the long-term conservation of mid-continent light geese and the biological diversity of the ecosystem upon which many North American migratory birds are dependent, by directing the Secretary of the Interior to implement rules to reduce the overabundant population of mid-continent light geese, having considered the same, reports favorably thereon with amendments, and an amendment to the title, and recommends that the bill, as amended, do pass.

#### GENERAL STATEMENT AND BACKGROUND

There are two species of white, or light, geese in North America: the Ross' goose (*Anser rossii*); and the snow goose, which is comprised of two subspecies: the greater snow goose (*Anser caerulescens atlantica*), and the lesser snow goose (*Anser caerulescens caerulescens*). The Ross' goose is the smallest of the three, weighing about 3.5 pounds. The greater snow goose, by comparison, weighs more than 6 pounds, with adult males slightly heavier. Both species are entirely white with the exception of black wing tips. The lesser snow goose is just under 6 pounds, but unlike the other two species, can experience plumage dimorphism, when

the birds will maintain a dark plumage instead of an all-white plumage. This is the so-called blue goose, for many years thought to be another species.

The Ross' goose nests primarily in the central Canadian Arctic, while the greater snow goose nests in the eastern portion of the continent. The lesser snow goose has the widest geographic distribution, with breeding areas scattered from Baffin Island in the east to Wrangel Island off the northern coast of Siberia. Management agencies in Canada, Mexico and the United States have divided the lesser snow goose into four populations based on their geographic distribution throughout the year. The Wrangel Island population breeds on the island of the same name in western Canada; the Western Canada Arctic population breeds throughout that part of Canada and winters along the coast of the northwest United States; the Western Central Flyway population also breeds in western Canada but winters in Colorado, New Mexico, Texas and Mexico; the fourth population—the mid-continent population—breeds along the western and southern shores of the Hudson Bay and on Baffin and Southampton Islands, and winters along the Gulf of Mexico in Texas and Louisiana, as well as Mississippi, Tennessee, Arkansas and Mexico.

Most populations of snow geese, as well as other species of Arctic geese, have significantly increased in numbers over the last 30 years. Growth of the mid-continent light goose population has been the most dramatic. Anecdotal evidence in the nineteenth century and early this century provide few clues of the actual population during that time. The first coordinated winter surveys in the mid-1950's estimated 440,000 birds. Since 1969, the population has grown from 800,000 birds to 3 million birds in 1998, based on the winter survey. However, more accurate population estimates have been made recently by using aerial photography and surveys in the breeding grounds, and the population is estimated to be closer to 5.2 million. Even this figure is considered to be low because not all the breeding areas are surveyed. During the last 10 years, the population has experienced an average annual growth rate of 5 percent.

There are several reasons for this increase. Most importantly, mid-continent light geese have expanded their wintering habitats along the Gulf of Mexico from traditional coastal and salt marshes to agricultural fields, where they forage on more readily available rice and other crops. For example, slightly more than 200,000 hectares of salt marshes and other wetlands comprised the traditional foraging habitat for the geese; as the geese expanded their habitat, they had available 400,000 hectares of land supporting rice crops in the 1940's, and today, more than 900,000 hectares of rice fields exist in Texas, Louisiana and Arkansas. The geese have also come to exploit agricultural fields further north along their migratory route. As natural grasslands and bottom land forest habitats have been converted to agricultural lands, the geese have found a steady food source from the corn, wheat, barley, oats and rye crops that are grown.

The second reason for the growth of geese populations has been the establishment of numerous sanctuaries along the migratory routes of these populations. In particular, the creation of National

Wildlife Refuges from the mid-1930's to the 1970's provided havens for migrating populations that led to a reduction in the traditional long distance flights between staging areas. The third reason for increased populations has been lower harvest rates of adult geese. The principal cause of mortality of adult geese in recent decades is hunting. Harvest rates, measured as a proportion of the winter indexed population, have declined from almost 40 percent in the early 1970's to less than 8 percent annually in recent years.

In addition to these causes, a general warming trend has been evident during the last 30 years in the central and western Canadian Arctic, major breeding areas for light geese. This climate amelioration has caused greater reproductive success and increased population growth rates. Last, a southward shift in the breeding ground of the light geese has also led to greater reproductive success. Studies indicate that before 1940, all known populations of lesser snow geese nested north of 60° north latitude, but by 1973, 40 percent of the population nested south of that latitude.

The consequences of this population growth are profound, particularly in the breeding areas of the birds. Snow geese forage either by grubbing, which is the digging of roots of plants to reach the rich biomass just below the surface of the soil, by grazing, or by shoot pulling of sedges. These intensive foraging practices are done in densely populated colonies directly on the breeding grounds, severely damaging the vegetation upon which the geese depend. Specifically, loss of vegetation leads to greater erosion, increased salinity and formation of algal crust, all of which exacerbate the loss of biomass. In many areas, the vegetation has little opportunity to recover from year to year, which causes the damage to be cumulative. In some areas, damage is so severe that recovery may not be possible. Furthermore, as the core breeding habitat is being degraded, the goose population is moving to other, more pristine areas, which are suffering the same consequences. The prognosis for recovery of the habitat is mixed. Some researchers believe that as long as the population growth is 5 percent, recovery is unlikely. Badly damaged sites, in the total absence of snow geese, have taken 15 years to show the first signs of revegetation. Without the absence of geese, recovery is likely to be transitory.

The Hudson Bay lowlands, which constitutes one of the main breeding areas for the lesser snow geese, covers approximately 1,200 miles of wetlands along the southern and western coastline of Hudson and James Bays. Within the lowlands, most research has been done at La Perouse Bay. It is estimated that 30 percent of the area is already destroyed, another 35 percent is on the verge of destruction, and the remaining 35 percent is overgrazed. Observations elsewhere in the lowlands indicate that this ratio is applicable there as well.

As many as 40 to 50 species of other migratory birds use the Hudson Bay lowlands as a staging area or breeding area. Approximately 30 species can be found at La Perouse Bay, of which eight have experienced declines in numbers as a result of the habitat degradation. However, few studies on other species have been conducted outside this area. La Perouse Bay is an example of extended habitat destruction, and it is hypothesized that, as other areas ex-

perience similar destruction, they will also experience similar declines in other species.

The growing crisis has stimulated much discussion and study among the scientific community. Much of the research has been summarized by the Arctic Goose Habitat Working Group in its report, "Arctic Ecosystems in Peril," published in 1997. The group is comprised of the Canadian Wildlife Service, the U.S. Fish and Wildlife Service (Service), numerous academic departments, Ducks Unlimited and the Audubon Society. Much of the information in this report has been gleaned from their study. The study recommended, overall, that the population of mid-continent light geese be reduced 50 percent by 2005. It recommended a number of actions that could be taken to achieve this goal, emphasizing the reduction of adult survival rates through increased harvest of adult geese. In addition, the National Wildlife Federation adopted a resolution in 1998 that advocates both the immediate development and implementation of sound, scientifically based strategies to reduce the mid-continent population of lesser snow geese to sustainable levels, as well as the development and implementation of long-term strategies relative to land-use practices, harvest methods and regulatory controls across its migratory route to maintain the population at a sustainable level. Other conservation groups have issued similar statements.

The Service issued two regulations on February 16, 1999 (64 Fed. Reg. 7507 and 64 Fed. Reg. 7517) to address this problem. The first allowed the use of electronic calling devices and unplugged shotguns to facilitate hunting of snow geese during the regular hunting season. The second was a conservation order that allowed hunting beyond the frameworks provided under the Convention for Migratory Birds (107 days and March 10 closing date). The two rules applied only when hunting seasons for other species were closed. The Service issued the regulations after preparing an Environmental Assessment (EA) under the National Environmental Policy Act (NEPA), and after publication of a proposed rule on which public comment was received.

The Service relied on the Convention for Migratory Birds, signed between Great Britain (for Canada) and the United States in 1916, and the Migratory Bird Treaty Act (16 U.S.C. 701 et seq.), which was approved by Congress in 1918 to implement the Convention, for its authority in promulgating the rules. The Convention and the Act govern all takings, including hunting, of migratory birds. Article VII of the Convention specifically allows for killing of migratory birds, "which, under extraordinary conditions, may become seriously injurious to the agricultural or other interests of any particular community. . . ."

The Humane Society of the United States sought a preliminary injunction against the Service for implementing the regulations. Although the District Court of the District of Columbia denied the injunctive relief, it indicated that the Service would likely be required to prepare an Environmental Impact Statement (EIS) under NEPA when the court would consider the question on the merits. Consequently, the Service withdrew the rules on June 17, 1999 (64 Fed. Reg. 32778), pending completion of an EIS. The Service has

since begun a scoping process and is holding several hearings in preparing its EIS, scheduled to be completed before 2001.

The bill does not interfere with, or override, the NEPA process now underway. The court did not rule on the merits of the question more than to say that “the duration and magnitude of the FWS program will likely require FWS to prepare an EIS.” The court also noted that:

[i]t is clear that the FWS acted in good faith. FWS’s EA represents a “hard look” at the proposed action that comports with the spirit of NEPA though not its letter. . . . Additionally, the scientific evidence regarding the overpopulation of snow geese strongly favors FWS. The administrative record substantiates FWS’ claim that the agency conducted a thorough and wide-ranging examination of the snow goose overpopulation problem and alternative plans for amelioration.

*The Humane Society of the United States v. Clark* (D.D.C. filed March 18, 1998). Furthermore, nothing in this legislation waives the requirement of NEPA as it applies to actions by the Service regarding snow geese.

The legislation accompanying this report reinstates the two rules published last year by the Service. It also directs the Secretary of the Interior to prepare and implement a comprehensive management plan to both manage mid-continent light goose populations and conserve their habitat. While the bill would reinstate regulations for which an EIS is currently being prepared, the bill reinstates the regulations only on a temporary basis pending completion of the EIS. In preparing the comprehensive management plan required by the bill, the Secretary should take into account the EIS.

This legislation establishes two tracks to address the overabundance of mid-continent light geese: an immediate effort to reduce the population and mitigate further damage to the breeding grounds; and development of a long-term effort to address the more systemic reasons for the growth of the population in both the breeding and wintering grounds, as well as along the migratory route.

The legislation, as amended by the committee, also includes the text of S. 148, the Neotropical Migratory Bird Conservation Act. S. 148 was introduced by Senator Abraham on January 19, 1999. The bill was approved by the committee on March 17, 1999, placed on the Senate Calendar on March 26, and approved by the Senate on April 13. The bill was almost identical to a bill in the 105th Congress, S. 1970, also introduced by Senator Abraham. That bill was also approved by this committee and the Senate. Background on those bills can be found in Senate Reports 105–284 and 106–36.

#### OBJECTIVES OF THE LEGISLATION

The purpose of this legislation is promote the conservation of migratory birds and their habitat. Title I of the bill seeks to conserve the Arctic tundra by reinstating two regulations published last year by the Secretary of the Interior to reduce the population of mid-continent light geese, and by directing the Secretary of the In-

terior to prepare a comprehensive management plan to address the population of the mid-continent light geese and their habitat. Title II of the bill seeks to conserve neotropical migratory birds and their habitat by requiring the Secretary of the Interior to establish a program to provide financial assistance for voluntary partnerships in the conservation of neotropical migratory birds.

## SECTION-BY-SECTION ANALYSIS

### TITLE I

#### *Section 101. Short Title*

This section provides that Title I may be cited as the “Arctic Tundra Habitat Emergency Conservation Act.”

#### *Section 102. Findings and Purposes*

Subsection (a) of this section contains the findings. The population of mid-continent light geese has grown from 800,000 birds in 1969 to more than 5.2 million birds today, and is growing by more than 5 percent each year. The primary reasons for this growth are: (1) the expansion of agricultural areas and the resulting abundance of cereal grain crops in the United States; (2) the establishment of sanctuaries along the flyways of the birds; (3) a decline in light goose harvest rates. As a result of this growth, the Hudson Bay lowlands salt marsh ecosystem in Canada is being destroyed, which is having a severe negative impact on other species that breed or migrate through this area. It is essential that the current population of mid-continent light geese be reduced by 50 percent by the year 2005.

Subsection (b) states that the purposes of this title are to: (1) reduce the population of mid-continent light geese; and (2) to assure the long-term conservation of mid-continent light geese and the biological diversity of the ecosystem upon which many other birds depend.

#### *Section 103. Force and effect of rules to control overabundant mid-continent light geese populations*

Subsection (a) provides that the rules published by the Service on February 16, 1999, relating to use of additional hunting methods to increase the harvest of mid-continent light geese and the establishment of the conservation order for the reduction of mid-continent light geese, shall have the force and effect of law. The Secretary shall take such action as is necessary to appropriately notify the public of the force and effect of these rules.

Subsection (b) provides that subsection (a) applies only during the period beginning on the date of the enactment of this Act, and ending on the latest of either: (1) the effective date of the rules issued by the Service; (2) the date of publication of the final environmental impact statement for such rules; or (3) May 15, 2001.

Subsection (c) provides that this section shall not be construed to limit the authority of the Secretary to issue rules regulating the taking of mid-continent light geese.

*Section 104. Comprehensive Management Plan*

Subsection (a) provides that not later than the end of the period described in section 103(b), the Secretary shall prepare, and as appropriate implement, a comprehensive long-term plan for the management of mid-continent light geese and the conservation of their habitat.

Subsection (b) states that the plan shall apply principles of adaptive resource management and shall include the following: (1) the description of methods for monitoring levels of populations and levels of harvest of mid-continent light geese, and recommendations concerning long-term harvest levels; (2) recommendations concerning other means for the management of the geese; (3) an assessment of, and recommendations relating to, conservation of the breeding habitat of the geese; (4) an assessment of, and recommendations relating to, conservation of native species of wildlife adversely affected by the overabundance of mid-continent light geese; and (5) an identification of methods for promoting collaboration with the government of Canada, States, and other interested persons.

Subsection (c) authorizes \$1 million to be appropriated for each of fiscal years 2000 through 2002.

*Section 105. Definitions*

This section includes definitions of “mid-continent light geese,” “Secretary,” and “Service.”

TITLE II

*Section 201. Short Title*

This section provides that Title II of the bill may be cited as the “Neotropical Migratory Bird Conservation Act.”

*Section 202. Findings*

This section contains the findings of Congress. Of the nearly 800 bird species known to occur in the United States, approximately 500 migrate among nations, and the large majority of those species, the neotropical migrants, winter in Latin America and the Caribbean. Neotropical birds provide invaluable environmental, economic, recreational, and aesthetic benefits to the United States, as well as to the Western Hemisphere. Many neotropical birds are in decline, some to the point that their long-term survival is in jeopardy. The primary reason for the declines is habitat loss and degradation across the species’ range. Because their range extends across numerous international borders, their conservation requires the commitment and effort of all countries along their migration routes. While numerous initiatives exist to conserve migratory birds and their habitat, those initiatives can be significantly strengthened and enhanced by increased coordination.

*Section 203. Purposes*

This section identifies the three following purposes of the bill: (1) to perpetuate healthy populations of neotropical migratory birds; (2) to assist in the conservation of neotropical migratory birds by supporting conservation initiatives in the United States, Latin

America, and the Caribbean; and (3) to provide financial resources and to foster international cooperation for those initiatives.

*Section 204. Definitions*

This section contains definitions of terms used in the bill. “Account” is defined as the Neotropical Migratory Bird Conservation Account. “Conservation” is defined as the use of methods and procedures necessary to bring a species of neotropical migratory bird to the point at which there are sufficient populations in the wild to ensure the long-term viability of the species. In order to perpetuate healthy populations of birds, it is expected that upon bringing a species to the point at which there are sufficient populations in the wild to ensure the long-term viability of the species, conservation could include the use of methods and procedures necessary to maintain a species at that point. “Secretary” is defined as the Secretary of the Interior.

*Section 205. Financial Assistance*

This section requires the Secretary of the Interior to establish a program to provide financial assistance for projects to promote the conservation of neotropical migratory birds. Project proposals may be submitted by: an individual, corporation, partnership, trust, association or other private entity; an officer, employee, agent, department, or instrumentality of the Federal Government, of any State, municipality, or political subdivision of a State, or any foreign government; a State, municipality, or political subdivision of a State; any other entity subject to the jurisdiction of the United States or of any foreign country; and an international organization.

A project proposal must meet seven requirements to be considered for financial assistance. First, the proposal must include the name of the individual responsible for the project, a succinct statement of purposes, a description of the qualifications of the individuals conducting the project, and an estimate of the funds and time necessary to complete the project. Second, the proposal must demonstrate that the project will enhance the conservation of neotropical migratory birds in the United States, Latin America or the Caribbean. Third, a proposal must include mechanisms to ensure adequate local public participation in project development and implementation. Fourth, it must contain assurances that the project will be implemented in consultation with relevant wildlife management authorities and other appropriate government officials with jurisdiction over the resources addressed by the project. Fifth, a proposal must demonstrate sensitivity to local historic and cultural resources and comply with applicable laws. Sixth, it must describe how the project will promote sustainable, effective, long-term programs to conserve neotropical migratory birds. Finally, it must provide any other information that the Secretary considers to be necessary for evaluating the proposal. In addition, the recipient of assistance for a project may be required to submit periodic reports to the Secretary for evaluating the progress and outcome of the project.

The Federal share of the cost of each project shall be not greater than 33 percent. The non-Federal share cannot be derived from any other Federal grant program. For projects in the United States, the



non-Federal share must be paid in cash. For projects outside the United States, the non-Federal share may be paid in cash or in kind. Countries in the Caribbean and Latin America may not have sufficient cash on hand for conservation projects. Allowing projects in those countries to use in-kind services for their non-Federal share will provide more opportunity, greater incentive, and more flexibility for participation in those countries.

*Section 206. Duties of Secretary*

This section provides that the Secretary shall: develop guidelines for the solicitation of proposals for projects eligible for financial assistance under section 5; encourage submission of proposals for projects eligible for financial assistance under section 5, particularly proposals from relevant wildlife management authorities; select proposals for financial assistance that satisfy the requirements of section 5, giving preference to proposals that address conservation needs not adequately addressed by existing efforts and that are supported by relevant wildlife management authorities; and generally implement the Act in accordance with its purposes.

*Section 207. Cooperation*

This section states that, in carrying out this Act, the Secretary shall support and coordinate existing efforts to conserve neotropical migratory bird species and shall coordinate activities and projects under this Act with those existing efforts in order to enhance neotropical migratory bird conservation. The Secretary may convene an advisory group consisting of individuals representing public and private organizations actively involved in the conservation of neotropical migratory birds. The advisory group shall not be subject to the Federal Advisory Committee Act, although must ensure that each meeting is open to the public, with an opportunity for public statements. The Secretary must provide timely notice of each meeting to the public, and keep minutes of each meeting. Use of an advisory group is encouraged, as it could play an integral role in ensuring that existing migratory bird conservation programs are well coordinated, thereby helping to maximize the effectiveness of this Act and other programs.

*Section 208. Report to Congress*

This section requires the Secretary to submit to Congress a report, not later than October 1, 2002, on the results and effectiveness of the program, including recommendations concerning how the Act may be improved and whether the program should be continued.

*Section 209. Neotropical Migratory Bird Conservation Account*

This section establishes in the Multinational Species Conservation Fund of the Treasury a separate account called the Neotropical Migratory Bird Conservation Account. The Secretary of the Treasury shall deposit into the Account appropriated amounts and donations. Donations may be given to the Secretary of the Interior, who will then transfer them to the Secretary of the Treasury for deposit into the account. The Secretary may use amounts in the Account to carry out the Act. Of the amounts in the Account available to

carry out this legislation each fiscal year, the Secretary may use not more than 6 percent to pay administrative expenses.

*Section 210. Authorization of Appropriations*

This section authorizes \$8 million to be appropriated for each of the fiscal years from 2000 through 2003, to remain available until expended, of which not less than 50 percent of the amounts made available for each fiscal year shall be expended for projects carried out outside the United States.

LEGISLATIVE HISTORY

H.R. 2454 was introduced by Representative Saxton on July 1, 1999. On August 2, 1999, H.R. 2454 was approved, under suspension of the rules, by the House of Representatives and on August 3, referred to the Senate Committee on Environment and Public Works. On September 29, 1999, the committee held a business meeting to consider this bill. Senator Chafee offered an amendment that was adopted by voice vote. The bill, as amended, was favorably reported by voice vote. Title II of the bill, as amended, is identical to S. 148, which was introduced by Senator Abraham on January 19, 1999, approved, by voice vote, by this committee on March 17, 1999, placed on the Senate Calendar on March 26, 1999, and approved by the Senate on April 13, 1999.

REGULATORY IMPACT

In compliance with section 11(b) of rule XXVI of the Standing Rules of the Senate, the committee makes this evaluation of the regulatory impact of the reported bill. The reported bill will result in a relaxation of current regulations relating to hunting of mid-continent light geese, and will allow additional harvest of the species beyond current regulations. This bill will not have 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 this bill would impose no Federal intergovernmental unfunded mandates on State, local, or tribal governments. The bill does not directly impose any private sector mandates.

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:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, October 12, 1999.*

Hon. JOHN H. CHAFEE, *Chairman,*  
*Committee on Environment and Public Works,*  
*U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN:

The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2454, an act to assure the long-term conservation of mid-continent light geese and the biological diversity of the ecosystem upon which many North American migratory birds depend, by directing the Secretary of the Interior to implement rules to reduce the overabundant population of mid-continent light geese, and to require the Secretary of the Interior to establish a program to provide assistance in the conservation of nontropical migratory birds.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Deborah Reis (for Federal costs), who can be reached at 226-2860, and Marjorie Miller (for the State and local impact), who can be reached at 225-3220.

Sincerely,

DAN L. CRIPPEN.

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CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

*H.R. 2454, An act to assure the long-term conservation of mid-continent light geese and the biological diversity of the ecosystem upon which many North American migratory birds depend, by directing the Secretary of the Interior to implement rules to reduce the overabundant population of mid-continent light geese, and to require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds, as ordered reported by the Senate Committee on Environment and Public Works on September 29, 1999*

*Summary*

Assuming appropriation of the authorized amounts, CBO estimates that implementing H.R. 2454 would cost the Federal Government \$4 million in fiscal year 2000 and a total of \$33 million through 2004. Because the legislation would authorize the U.S. Fish and Wildlife Service to accept and spend donations without further appropriation, pay as-you-go procedures would apply. CBO estimates, however, that any new revenues and resulting direct spending would be insignificant. The act 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.

Title I of H.R. 2454 would codify two regulations that were promulgated by the Service related to reducing the population of mid-continent light geese by hunting. Those regulations were withdrawn pending completion of an environmental impact statement. The provisions of title I would be effective until May 15, 2001, or until the agency issues new regulations. This title also would direct the Service to prepare a comprehensive plan for managing mid-continent light geese and their habitat. For this purpose, the legislation would authorize the appropriation of \$1 million for each of fiscal years 2000 through 2002.

Title II would direct the Service to create a new grant program for projects to conserve migratory birds in the United States, Caribbean, and Latin American countries. The program would provide fi-

nancial assistance to eligible government agencies, international or foreign organizations, and private entities. To provide financing for the new program, the legislation would establish a neotropical migratory bird conservation account in the U.S. Treasury for the deposit of amounts donated to the government for this program, as well as any amounts appropriated by the Congress. To develop and administer this program and make grants, title II would authorize the appropriation of \$8 million annually for fiscal years 2000 through 2003.

*Estimated cost to the Federal Government*

For purposes of this estimate, CBO assumes that the amounts authorized will be appropriated for each year. Outlay estimates are based on spending patterns for similar programs. The costs of this legislation fall within budget function 300 (natural resources and environment). The estimated budgetary impact of H.R. 2454 is shown in the following table.

By Fiscal Year, in Millions of Dollars

	2000	2001	2002	2003	2004
SPENDING SUBJECT TO APPROPRIATION					
Authorization Level .....	9	9	9	8	0
Estimated Outlays .....	4	7	9	8	5

*Pay-As-You-Go Considerations*

The Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. H.R. 2454 would affect both governmental receipts and direct spending. CBO estimates, however, that any such effects would be insignificant and offsetting over the next 5 years.

*Estimated Impact on State, Local, and Tribal Governments*

H.R. 2454 contains no intergovernmental mandates as defined in UMRA and would impose no costs on State, local, or tribal governments. State and local governments would be among the entities eligible to receive the financial assistance authorized by title II of this act. To receive assistance for a project, these governments would be required to submit a proposal meeting certain criteria and to pay at least 67 percent of the project costs. Any such costs incurred by State or local governments would be voluntary.

*Estimated Impact on the Private Sector*

This bill would impose no new private-sector mandates as defined in UMRA.

*Previous CBO Cost Estimates*

On July 28,1999, CBO transmitted a cost estimate for H.R. 2454, the Arctic Tundra Habitat Emergency Conservation Act, as ordered reported by the House Committee on Resources on July 21,1999. On March 19,1999, we transmitted an estimate for S. 148, the Neotropical Migratory Bird Conservation Act, as ordered reported by the Senate Committee on Environment and Public Works on

March 17, 1999. The CBO estimate for S. 148 end title II of the Senate version of H.R. 2454 are identical. Our estimate of the cost of title I of the legislation is \$1 million higher per year through 2002 than that for the House version of H.R. 2454, reflecting a new provision authorizing the appropriation of that amount for each of the years 2000 through 2002.

*Estimate prepared by:* Federal Costs: Deborah Reis (226–2860) Impact on State, Local, and Tribal Governments: Marjorie Miller (225–3220).

*Estimate approved by:* Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

#### CHANGES IN EXISTING LAW

Section 12 of rule XXVI of the Standing Rules of the Senate requires publication of any changes in existing law made by the reported bill. This bill does not change existing law.