



## CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

June 19, 2008

### **H.R. 1006** **Marine Mammal Rescue Assistance Amendments of 2008**

*As ordered reported by the Senate Committee on Commerce, Science, and Transportation  
on May 15, 2008*

#### **SUMMARY**

H.R. 1006 would reauthorize funding for programs to protect and rescue marine mammals such as whales that become stranded or entangled. Assuming appropriation of the authorized amounts (beginning in 2009), CBO estimates that implementing H.R. 1006 would increase discretionary spending by \$10 million over the 2009-2013 period.

The legislation also would create an emergency fund and allow amounts in that fund, including private contributions and interest earnings, to be spent without further appropriation. Enacting this provision could increase revenues (from donations) and direct spending (from those donations and from interest earned on fund balances). CBO estimates that those changes would result in net additional spending of about \$100,000 a year, beginning in 2011.

Finally, H.R. 1006 would expand coverage under the Federal Tort Claims Act to individuals who rescue marine mammals if they are operating under an agreement with the federal government. Enacting this provision could increase direct spending from the U.S. Treasury's Judgment Fund for payments arising from tort claims, CBO estimates that any increase would be minimal.

H.R. 1006 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.

#### **ESTIMATED COST TO THE FEDERAL GOVERNMENT**

The estimated budgetary impact of H.R. 1006 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By Fiscal Year, in Millions of Dollars					2009- 2013
	2009	2010	2011	2012	2013	
<b>CHANGES IN SPENDING SUBJECT TO APPROPRIATION <sup>a</sup></b>						
Authorization Level	8	8	0	0	0	15
Estimated Outlays	6	6	1	*	*	13

Note: \* = less than \$500,000.

- a. Enacting H.R. 1006 also would increase revenues (from donations) and direct spending (from those revenues and from interest earned on balances of appropriated and contributed funds). CBO estimates that the net budgetary effect of such changes would be a cost of about \$100,000 a year, beginning in 2011.

## **BASIS OF ESTIMATE**

For this estimate, CBO assumes that the legislation will be enacted near the end of fiscal year 2008 and that the authorized amounts will be provided as specified in the act, beginning with fiscal year 2009. Estimated outlays are based on historical spending patterns for similar programs.

H.R. 1006 would authorize the appropriation of \$7.5 million for each of fiscal years 2007 through 2010 for the John H. Prescott Marine Mammal Rescue Assistance Grant Program. The authorization includes \$6 million for the National Oceanic and Atmospheric Administration (NOAA), \$1 million for the U.S. Fish and Wildlife Service (USFWS), and \$0.5 million for the Marine Mammal Unusual Mortality Event Fund (administered by NOAA). In recent years, NOAA has received appropriations of about \$4 million a year for the program, including \$0.8 million in 2005 to establish the Marine Mammal Unusual Mortality Event Fund. The USFWS also receives appropriations for this purpose, but under different statutes.

The legislation also would establish the John H. Prescott Marine Mammal Rescue and Response Emergency Fund, consisting of a portion of amounts appropriated to the agencies, private donations, and interest earnings. Amounts in the emergency fund would be available to the agencies without further appropriation.

Assuming appropriation of the authorized amounts for 2009 and 2010, CBO estimates that NOAA and the USFWS would spend a total of \$6 million in each of those years, primarily for grants to nonfederal groups that rescue marine mammals. We estimate that spending from

the mortality event fund would be less than \$200,000 a year over the 2009-2013 period. Based on information provided by NOAA, we assume that the remaining \$2 million authorized to be appropriated to that agency would be deposited in the new emergency fund along with an estimated \$25,000 to \$50,000 a year from new donations from private individuals or businesses. We estimate that NOAA would spend, without further appropriation, between \$100,000 and \$200,000 annually from those donations and from interest credited to that fund for emergency rescues. Those changes would result in net spending of about \$100,000 a year, beginning in 2011.

Finally, H.R. 1006 would provide that individuals who rescue marine mammals from entanglements (from fishing nets, for example) would be considered federal employees if their actions result in claims for damages under the Federal Tort Claims Act. As a result of this provision, payments from the permanent, indefinite Judgment Fund could increase because the federal government could be held responsible for damage to fishing equipment or other private property. Based on information provided by NOAA, however, CBO estimates that any increase in direct spending would be negligible.

## **INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT**

H.R. 1006 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

### **ESTIMATE PREPARED BY:**

Federal Costs: Deborah Reis

Impact on State, Local, and Tribal Governments: Neil Hood

Impact on the Private Sector: Amy Petz

### **ESTIMATE APPROVED BY:**

Theresa Gullo

Deputy Assistant Director for Budget Analysis