



CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

Revised April 22, 2016

S. 659

Bipartisan Sportsmen's Act of 2016

*As ordered reported by the Senate Committee on Environment and Public Works
on January 20, 2016*

SUMMARY

S. 659 would amend and reauthorize various programs conducted by the U.S. Fish and Wildlife Service (USFWS) related to the conservation of wetlands, certain species, and fish habitats. The bill also would authorize funding for the National Fish and Wildlife Foundation, a nonprofit corporation established by federal law to provide grants for activities related to conserving and managing fish, wildlife, plants, and other natural resources. Finally, S. 659 would authorize the Corps of Engineers (Corps) to enter into cooperative agreements with nonfederal entities to jointly manage parks and recreational facilities currently managed by the Corps.

Based on information from the Corps and the USFWS, CBO estimates that implementing the legislation would cost \$505 million over the 2017-2021 period and \$95 million after 2021, assuming appropriation of the authorized amounts. CBO also estimates that enacting S. 659 would increase direct spending (by reducing offsetting receipts) by about \$4 million over the 2017-2026 period. Because the legislation would affect direct spending, pay-as-you-go procedures apply. Enacting S. 659 would not affect revenues.

CBO also estimates that enacting S. 659 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

S. 659 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would benefit state, local, and tribal governments.

S. 659 would impose a private-sector mandate as defined in UMRA by eliminating the ability of plaintiffs to seek judicial review of rules to remove certain gray wolves from the endangered species list. CBO estimates that the cost of the mandate would fall well below the annual threshold established in UMRA for private-sector mandates (\$154 million in 2016, adjusted annually for inflation).

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of S. 659 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						2016-2021
	2016	2017	2018	2019	2020	2021	
CHANGES IN SPENDING SUBJECT TO APPROPRIATION^a							
Wetlands Conservation							
Authorization Level	15	50	50	50	50	50	265
Estimated Outlays	4	16	28	37	44	48	177
Species Conservation							
Authorization Level	22	37	37	37	37	0	168
Estimated Outlays	16	31	34	36	36	10	163
National Fish and Wildlife Foundation							
Authorization Level	18	25	25	25	25	0	118
Estimated Outlays	18	25	25	25	25	0	118
Fish Habitat Conservation							
Authorization Level	2	10	10	10	10	10	50
Estimated Outlays	1	8	9	9	9	10	46
Total Changes							
Authorization Level ^a	56	121	121	121	121	60	600
Estimated Outlays	39	79	96	107	115	67	505

Note: Amounts may not sum to totals because of rounding.

a. In addition, CBO estimates that enacting S. 659 would reduce offsetting receipts, thus increasing direct spending by \$4 million over the 2017-2026 period.

BASIS OF ESTIMATE

For this estimate, CBO assumes that the legislation will be enacted near the end of 2016 and the authorized amounts will be appropriated for each fiscal year. Estimated outlays are based on historical spending patterns for similar programs.

Spending Subject to Appropriation

S. 659 would authorize appropriations through 2021 for the USFWS to carry out activities related to the conservation of wetlands, certain species, and fish habitats. In addition, a

portion of those amounts would be used to fund the National Fish and Wildlife Foundation. CBO estimates that implementing the legislation would cost \$505 million over the 2017-2021 period and \$95 million after 2021, assuming appropriation of the authorized amounts.

Wetlands Conservation. Section 7 would authorize the appropriation of \$50 million a year through 2021 to carry out the North American Wetlands Conservation Act (NAWCA). Under that act, the USFWS awards competitive grants for projects to conserve wetlands in the United States, Mexico, and Canada. In 2016, the agency received \$35 million to carry out activities related to NAWCA. CBO estimates that carrying out section 7 would cost \$177 million over the 2017-2021 period and \$88 million after 2021.

Species Conservation. Sections 8 and 9 would authorize the appropriation of about \$37 million a year through 2020 to carry out programs aimed at preserving various species including elephants, rhinoceros, tigers, great apes, marine turtles, and neotropical migratory birds. In 2016, the USFWS received appropriations totaling \$15 million to carry out those programs. CBO estimates that carrying out sections 8 and 9 would cost \$163 million over the 2017-2021 period and \$5 million after 2021.

National Fish and Wildlife Foundation. Section 11 would authorize the appropriation of \$25 million a year through 2020 to fund activities of the National Fish and Wildlife Foundation. The foundation is a nonprofit corporation established by federal law to provide grants for activities related to conserving and managing fish, wildlife, plants, and other natural resources. In 2016, the USFWS received appropriations totaling \$7 million to fund the foundation. CBO estimates that implementing section 11 would cost \$118 million over the 2017-2021 period.

Fish Habitat Conservation. Section 17 would authorize the appropriation of about \$10 million a year through 2021 to carry out fish habitat conservation projects and provide technical assistance to nonfederal entities. The program would be aimed at facilitating partnerships between the federal government and local governments, nonprofits, and private individuals. In 2016, the USFWS received appropriations totaling about \$8 million to carry out similar activities. CBO estimates that implementing section 17 would cost \$46 million over the 2017-2021 period and \$4 million after 2021.

Changes in Direct Spending

S. 659 would authorize the Corps of Engineers to enter into cooperative agreements with nonfederal entities to jointly manage parks and recreational facilities currently managed by the Corps. Under current law, all fees charged and collected by the Corps for public access to those sites are required to be deposited in the Treasury. Under the bill, the agreements would allow nonfederal entities, instead of the Corps, to charge fees for the use of those parks and facilities. Under S. 659 those nonfederal entities could retain the fee proceeds to

pay for operation and maintenance expenses at those sites. Based on information from the Corps, CBO estimates that enacting S. 659 would increase direct spending (by reducing offsetting receipts) by \$4 million over the 2017-2026 period.

Although the Corps operates about 2,800 parks and public access sites, public access fees are collected at fewer than half of the sites. Based on information from the Corps, CBO expects that under the bill only a few nonfederal entities would enter cooperative agreements with the Corps to operate and maintain any of the Corps' public access sites because certain conditions are necessary to make such a relationship attractive. CBO expects that nonfederal entities would be interested in managing larger parks with lower maintenance costs and high visitation rates to ensure that receipts collected would be high enough to cover costs. CBO estimates that in the first few years after enactment of S. 659 the Corps would enter cooperative agreements with nonfederal entities to operate four public access sites during the 2017-2026 period reducing offsetting receipts at those sites by about \$400,000 annually, or around \$4 million over the next 10 years.

The Corps would no longer need appropriated funds to maintain the parks and facilities that would be operated by private entities under the bill. Therefore, implementing the legislation could lead to a small reduction in discretionary costs over this period if future appropriations are reduced. The Corps spent about \$250 million in 2015 for recreation-related expenses at its facilities, but the agency was unable to provide information about the operating costs for individual parks that would be affected by this legislation, so the amount of the potential reduction in discretionary costs is unclear.

PAY-AS-YOU-GO CONSIDERATIONS

The Statutory Pay-As-You-Go Act of 2010 establishes budget reporting and enforcement procedures for legislation affecting direct spending or revenues. S. 659 would increase direct spending (by reducing offsetting receipts). The budgetary changes that are subject to those pay-as-you-go procedures are shown in the following table.

CBO Estimate of Pay-As-You-Go Effects for S. 659, as ordered reported by the Senate Committee on Environment and Public Works on January 20, 2016

	By Fiscal Year, in Millions of Dollars												2016- 22016-	
	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2021	2026	
NET INCREASE IN THE DEFICIT														
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	0	0	2	4	

INCREASE IN LONG TERM DIRECT SPENDING AND DEFICITS

CBO estimates that enacting S. 659 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

ESTIMATED IMPACT ON STATE, LOCAL, AND TRIBAL GOVERNMENTS

S. 659 contains no intergovernmental mandates as defined in UMRA and would benefit public entities that operate recreational facilities at federal water projects by allowing them to collect user fees to defray operating costs. The bill also would benefit state agencies by lowering the matching requirement for federal grants that support public shooting ranges. Finally, the bill would benefit state, local, and tribal governments by authorizing federal grants for conservation partnerships that protect fish habitats. Any costs incurred by those entities, including matching contributions, would be incurred voluntarily.

ESTIMATED IMPACT ON THE PRIVATE SECTOR

S. 659 would impose a private-sector mandate as defined in UMRA on plaintiffs by eliminating the ability to seek judicial review of rules to remove gray wolves in the western Great Lakes region or in the state of Wyoming from the endangered species list. The cost of a mandate that eliminates a right of action is the forgone income and value of awards in such cases. Because such losses would generally not occur for the types of cases involved, CBO expects that the mandate would probably impose no costs. Consequently, CBO estimates that the cost of the mandate would fall well below the annual threshold established in UMRA for private-sector mandates (\$154 million in 2016, adjusted annually for inflation).

PREVIOUS CBO ESTIMATE

This revised cost estimate for S. 659 supersedes a CBO cost transmitted on February 18, 2016, for the bill as ordered reported by the Senate Committee on Environment and Public Works on January 20, 2016. The earlier estimate did not include the estimated budgetary effects of enacting section 10 of S. 659. CBO estimates that the provisions in section 10 would reduce offsetting receipts collected by the Corps at certain recreation sites it manages by \$4 million over the 2017-2026 period.

ESTIMATE PREPARED BY:

Federal Costs: Jeff LaFave and Aurora Swanson

Impact on State, Local, and Tribal Governments: Jon Sperl

Impact on the Private Sector: Amy Petz

ESTIMATE APPROVED BY:

H. Samuel Papenfuss

Deputy Assistant Director for Budget Analysis