

H.R. 4348, PAW and FIN Conservation Act of 2019

As ordered reported by the House Committee on Natural Resources on January 29, 2020

By Fiscal Year, Millions of Dollars	2020	2020-2025	2020-2030
Direct Spending (Outlays)	*	*	*
Revenues	*	*	*
Increase or Decrease (-) in the Deficit	*	*	*
Spending Subject to Appropriation (Outlays)	*	*	not estimated
Statutory pay-as-you-go procedures apply?	Yes	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2031?	No	Contains intergovernmental mandate?	Yes, Cannot Determine Costs
		Contains private-sector mandate?	Yes, Cannot Determine Costs
* = between -\$500,000 and \$500,000.			

H.R. 4348 would void three regulations related to the Endangered Species Act (ESA) that were issued by the U.S. Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration (NOAA) in 2019. Among other changes, those regulations:

- Clarified the criteria for delisting a species under the ESA,
- Changed the process for how federal agencies consult with USFWS and NOAA before starting a project that could affect a listed species, and
- Rescinded certain protections automatically applied to species listed as threatened.

CBO expects that implementing H.R. 4348 would not significantly affect the workload of USFWS or NOAA. Based on the costs of similar tasks, we estimate that any costs to issue new regulations or guidance under the bill would be insignificant; any spending would be subject to the availability of appropriated funds.

Enacting H.R. 4348 could increase civil and criminal penalties under the ESA (which are recorded as revenues) and the associated direct spending of those penalties. CBO expects that additional violations of the ESA would occur infrequently and we thus estimate that the net reduction in the deficit under the bill would be insignificant over the 2020-2030 period.



H.R. 4348 contains intergovernmental and private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). CBO cannot determine whether the cost of the mandates would exceed the thresholds established in UMRA (\$84 million and \$168 million in 2020, respectively, adjusted annually for inflation).

The bill would revoke a rule that allows USFWS to establish species-specific protections for any species added to the threatened species list. Thus, under H.R. 4348 the agency could set different and possibly more rigorous restrictions for any species designated after enactment as threatened. (Current proposals call for 11 species to be added to the threatened list.)

Private and public entities could be required to meet stricter criteria for forest or soil management and to obtain permits for construction in regions where those threatened species would be found. Because USFWS has not issued species-specific regulations for each potential designated species, CBO cannot determine how much the bill would tighten restrictions for those species or how much it would cost entities to comply with possibly tighter restrictions.

The CBO staff contacts for this estimate are Janani Shankaran (for federal costs) and Lilia Ledezma and Brandon Lever (for mandates). The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.