

## H.R. 764, Trust the Science Act

As ordered reported by the House Committee on Natural Resources on April 28, 2023

By Fiscal Year, Millions of Dollars	2023	2023-2028	2023-2033
Direct Spending (Outlays)	0	*	*
Revenues	0	*	*
Increase or Decrease (-) in the Deficit	0	*	*
Spending Subject to Appropriation (Outlays)	*	*	*
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Statutory pay-as-you-go procedures apply?	Yes
		<b>Mandate Effects</b>	
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Contains intergovernmental mandate?	Yes, Under Threshold
		Contains private-sector mandate?	Yes, Under Threshold
* = between -\$500,000 and \$500,000.			

H.R. 764 would require the Secretary of the Interior within 60 days of the bill’s enactment to reissue a final rule, “[Endangered and Threatened Wildlife and Plants; Removing the Gray Wolf \(\*Canis lupus\*\) From the List of Endangered and Threatened Wildlife](#),” which was submitted by the U.S. Fish and Wildlife Service (USFWS) and published in the *Federal Register* on November 3, 2020. The bill also would prohibit judicial review of that rule. The rule removed from the list all gray wolves (except the Mexican wolf) in the continental United States and Mexico, effective January 4, 2021. A court order in February 2022 reinstated the gray wolves’ protections under the Endangered Species Act (ESA); they are currently listed as threatened in Minnesota and endangered elsewhere.

USFWS is authorized to collect permitting fees for lawful activities that involve protected species, including scientific research, conservation, and unintentional taking of the animals while performing permitted activities. Under H.R. 764, permits would no longer be required for activities involving gray wolves in the continental United States. Permitting fees are recorded in the budget as offsetting receipts (reductions in direct spending) and are available to be spent without further appropriation. Using information from USFWS, CBO estimates that enacting H.R. 764 would reduce those receipts and the consequent spending by an insignificant amount over the 2024-2033 period.

See also

[CBO’s Cost Estimates Explained](#), [CBO Describes Its Cost-Estimating Process](#), [Glossary](#)



Violators of the ESA are subject to civil and criminal penalties, which are recorded as revenues and available for spending without further appropriation. Using information from USFWS, CBO estimates that any reductions in collections or associated spending would be insignificant because of the small number of related cases expected to occur over the 2024-2033 period.

Under current law, plaintiffs who challenge the federal government under the ESA may be entitled to the repayment of attorneys' fees. Such payments are made from the federal government's Judgment Fund, which has a permanent indefinite appropriation. CBO expects that by prohibiting judicial review, H.R. 764 could reduce the number of civil actions that otherwise would be filed and thus the potential for payments from the fund. Based on the amount of such payments in the past, CBO estimates that any decrease in direct spending would be insignificant over the 2024-2033 period.

Finally, using information from USFWS, CBO estimates that the administrative costs to reissue the final rule under H.R. 764 would be insignificant; any spending would be subject to the availability of appropriated funds.

H.R. 764 would impose an intergovernmental and private-sector mandate as defined in the Unfunded Mandates Reform Act (UMRA) by eliminating a right of action for entities to seek judicial review of the administrative rule required by the bill. Because the rights of action precluded under the bill generally do not result in monetary damages, CBO estimates that the cost of the mandates would fall well below the intergovernmental and private-sector thresholds established in UMRA (\$99 million and \$198 million in 2023, respectively, adjusted annually for inflation).

The CBO staff contact for this estimate is Lilia Ledezma (for federal costs) and Brandon Lever (for mandates). The estimate was reviewed by Chad Chirico, Director of Budget Analysis.

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