

106TH CONGRESS
1ST SESSION

H. R. 39

To require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 1999

Mr. YOUNG of Alaska (for himself, Mr. SAXTON, and Mr. GEORGE MILLER of California) introduced the following bill; which was referred to the Committee on Resources

A BILL

To require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Neotropical Migratory
5 Bird Conservation Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

8 (1) Neotropical migratory bird populations in
9 nations within the range of neotropical migratory

1 birds have continued to decline to the point that the
2 long-term survival of various species in the wild is
3 in jeopardy.

4 (2) 90 North American bird species are listed
5 as endangered species or threatened species under
6 section 4 of the Endangered Species Act of 1973,
7 and 124 species of migratory birds are currently on
8 the United States Fish and Wildlife Service's List of
9 Migratory Nongame Birds of Management Concern.

10 (3) The United States, through 4 bilateral trea-
11 ties, has responsibility of maintaining healthy popu-
12 lations of 778 species of migratory nongame birds
13 and 58 species of migratory game birds that migrate
14 between the Caribbean, Latin America, and North
15 America.

16 (4) The Government of Mexico presently lists
17 approximately 390 bird species as endangered,
18 threatened, vulnerable, or rare.

19 (5) Healthy bird populations provide important
20 economic benefits, such as control of detrimental in-
21 sects on agricultural crops, thus preventing the loss
22 of millions of dollars each year to farming and tim-
23 ber interests.

24 (6) Neotropical migratory birds travel across
25 many international borders, therefore the conserva-

1 tion of these species requires that safeguards be es-
2 tablished at both the beginning and end of the mi-
3 gration routes, as well as at essential stopover areas
4 along the way.

5 (7) Because the challenges facing the conserva-
6 tion of neotropical migratory birds are so great, re-
7 sources to date have not been sufficient to cope with
8 continued loss of habitat and the consequent reduc-
9 tion of neotropical migratory bird populations.

10 (8) To reduce, remove, or otherwise effectively
11 address these treaties through the long-term viability
12 of populations of neotropical migratory birds in the
13 wild will require the joint commitment and efforts of
14 nations within the range of neotropical migratory
15 birds and the private sector.

16 (9) A Neotropical Migratory Bird Conservation
17 fund would much-needed support for projects aimed
18 at protecting critical habitat for declining migratory
19 bird species, in an innovative way that promotes con-
20 servation partnerships and cost sharing through
21 joint Federal and non-Federal support mechanisms.

22 **SEC. 3. PURPOSES.**

23 The purposes of this Act are the following:

24 (1) To perpetuate healthy populations of
25 neotropical migratory birds.

1 (2) To assist in the conservation of neotropical
2 migratory birds by supporting conservation initia-
3 tives in the United States, Latin America, and the
4 Caribbean.

5 (3) To provide financial resources and to foster
6 international cooperation for those initiatives.

7 **SEC. 4. DEFINITIONS.**

8 In this Act:

9 (1) ACCOUNT.—The term “Account” means the
10 Neotropical Migratory Bird Conservation Account
11 established by section 9(a).

12 (2) CONSERVATION.—The term “conservation”
13 means the use of methods and procedures necessary
14 to bring a species of neotropical migratory bird to
15 the point at which there are sufficient populations in
16 the wild to ensure the long-term viability of the spe-
17 cies, including—

18 (A) protection and management of
19 neotropical migratory bird populations;

20 (B) maintenance, management, protection,
21 and restoration of neotropical migratory bird
22 habitat;

23 (C) research and monitoring;

24 (D) law enforcement; and

25 (E) community outreach and education.

1 (3) SECRETARY.—The term “Secretary” means
2 the Secretary of the Interior.

3 **SEC. 5. FINANCIAL ASSISTANCE.**

4 (a) IN GENERAL.—The Secretary shall establish a
5 program to provide financial assistance for projects to pro-
6 mote the conservation of neotropical migratory birds.

7 (b) PROJECT APPLICANTS.—A project proposal may
8 be submitted by—

9 (1) an individual, corporation, partnership,
10 trust, association, or other private entity;

11 (2) an officer, employee, agent, department, or
12 instrumentality of the Federal Government, of any
13 State, municipality, or political subdivision of a
14 State, or of any foreign government;

15 (3) a State, municipality, or political subdivi-
16 sion of a State;

17 (4) any other entity subject to the jurisdiction
18 of the United States or of any foreign country; and

19 (5) an international organization (as defined in
20 section 1 of the International Organizations Immuni-
21 ties Act (22 U.S.C. 288)).

22 (c) PROJECT PROPOSALS.—To be considered for fi-
23 nancial assistance for a project under this Act, an appli-
24 cant shall submit a project proposal that—

25 (1) includes—

1 (A) the name of the individual responsible
2 for the project;

3 (B) a succinct statement of the purposes of
4 the project;

5 (C) a description of the qualifications of
6 individuals conducting the project; and

7 (D) an estimate of the funds and time nec-
8 essary to complete the project, including
9 sources and amounts of matching funds;

10 (2) demonstrates that the project will enhance
11 the conservation of neotropical migratory bird spe-
12 cies in Latin America, the Caribbean, or the United
13 States;

14 (3) includes mechanisms to ensure adequate
15 local public participation in project development and
16 implementation;

17 (4) contains assurances that the project will be
18 implemented in consultation with relevant wildlife
19 management authorities and other appropriate gov-
20 ernment officials with jurisdiction over the resources
21 addressed by the project;

22 (5) demonstrates sensitivity to local historic and
23 cultural resources and complies with applicable laws;

1 (6) describes how the project will promote sus-
2 tainable, effective, long-term programs to conserve
3 neotropical migratory birds; and

4 (7) provides any other information that the Sec-
5 retary considers to be necessary for evaluating the
6 proposal.

7 (d) PROJECT REPORTING.—Each recipient of assist-
8 ance for a project under this Act shall submit to the Sec-
9 retary such periodic reports as the Secretary considers to
10 be necessary. Each report shall include all information re-
11 quired by the Secretary for evaluating the progress and
12 outcome of the project.

13 (e) COST SHARING.—

14 (1) FEDERAL SHARE.—The Federal share of
15 the cost of each project shall be not greater than 33
16 percent.

17 (2) NON-FEDERAL SHARE.—

18 (A) SOURCE.—The non-Federal share re-
19 quired to be paid for a project shall not be de-
20 rived from any Federal grant program.

21 (B) FORM OF PAYMENT.—

22 (i) PROJECTS IN THE UNITED
23 STATES.—The non-Federal share required
24 to be paid for a project carried out in the
25 United States shall be paid in cash.

1 (ii) PROJECTS IN FOREIGN COUN-
2 TRIES.—The non-Federal share required to
3 be paid for a project carried out in a for-
4 eign country may be paid in cash or in
5 kind.

6 **SEC. 6. DUTIES OF THE SECRETARY.**

7 In carrying out this Act, the Secretary shall—

8 (1) develop guidelines for the solicitation of pro-
9 posals for projects eligible for financial assistance
10 under section 5;

11 (2) encourage submission of proposals for
12 projects eligible for financial assistance under sec-
13 tion 5, particularly proposals from relevant wildlife
14 management authorities;

15 (3) select proposals for financial assistance that
16 satisfy the requirements of section 5, giving priority
17 to proposals that address conservation needs not
18 adequately addressed by existing efforts and that are
19 supported by relevant wildlife management authori-
20 ties; and

21 (4) generally implement this Act in accordance
22 with its purposes.

23 **SEC. 7. COOPERATION.**

24 In carrying out this Act, the Secretary shall—

1 (1) support and coordinate existing efforts to
2 conserve neotropical migratory bird species,
3 through—

4 (A) facilitating meetings among persons in-
5 volved in such efforts;

6 (B) promoting the exchange of information
7 among such persons;

8 (C) developing and entering into agree-
9 ments with other Federal agencies, foreign,
10 State, and local governmental agencies, and
11 nongovernmental organizations; and

12 (D) conducting such other activities as the
13 Secretary considers to be appropriate; and

14 (2) coordinate activities and projects under this
15 Act with existing efforts in order to enhance con-
16 servation of neotropical migratory bird species.

17 **SEC. 8. REPORT TO CONGRESS.**

18 Not later than October 1, 2002, the Secretary shall
19 submit to Congress a report on the results and effective-
20 ness of the program carried out under this Act, including
21 recommendations concerning how the Act might be im-
22 proved and whether the program should be continued in
23 the future.

1 **SEC. 9. NEOTROPICAL MIGRATORY BIRD CONSERVATION**
2 **ACCOUNT.**

3 (a) ESTABLISHMENT.—There is established in the
4 Multinational Species Conservation Fund of the Treasury
5 a separate account to be known as the “Neotropical Mi-
6 gratory Bird Conservation Account”, which shall consist
7 of amounts deposited into the Account by the Secretary
8 of the Treasury under subsection (b).

9 (b) DEPOSITS INTO THE ACCOUNT.—The Secretary
10 of the Treasury shall deposit into the Account—

11 (1) all amounts received by the Secretary in the
12 form of donations under subsection (d); and

13 (2) other amounts appropriated to the Account.

14 (c) USE.—

15 (1) IN GENERAL.—Subject to paragraph (2),
16 the Secretary may use amounts in the Account,
17 without further Act of appropriation, to carry out
18 this Act.

19 (2) ADMINISTRATIVE EXPENSES.—Of amounts
20 in the Account available for each fiscal year, the
21 Secretary may expend not more than 6 percent to
22 pay the administrative expenses necessary to carry
23 out this Act.

24 (d) ACCEPTANCE AND USE OF DONATIONS.—The
25 Secretary may accept and use donations to carry out this
26 Act. Amounts received by the Secretary in the form of do-

1 nations shall be transferred to the Secretary of the Treas-
2 ury for deposit into the Account.

3 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

4 There is authorized to be appropriated to the Account
5 to carry out this Act \$8,000,000 for each of fiscal years
6 2000 through 2004, to remain available until expended,
7 of which not less than 50 percent of the amounts made
8 available for each fiscal year shall be expended for projects
9 carried out outside the United States.

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