

In the House of Representatives, U. S.,

June 26, 2000.

Resolved, That the bill from the Senate (S. 148) entitled “An Act to require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Neotropical Migratory*
3 *Bird Conservation Act”.*

4 ***SEC. 2. FINDINGS.***

5 *Congress finds that—*

6 *(1) of the nearly 800 bird species known to occur*
7 *in the United States, approximately 500 migrate*
8 *among countries, and the large majority of those spe-*
9 *cies, the neotropical migrants, winter in Latin Amer-*
10 *ica and the Caribbean;*

11 *(2) neotropical migratory bird species provide*
12 *invaluable environmental, economic, recreational, and*
13 *aesthetic benefits to the United States, as well as to*
14 *the Western Hemisphere;*

1 (3)(A) *many neotropical migratory bird popu-*
 2 *lations, once considered common, are in decline, and*
 3 *some have declined to the point that their long-term*
 4 *survival in the wild is in jeopardy; and*

5 (B) *the primary reason for the decline in the*
 6 *populations of those species is habitat loss and deg-*
 7 *radation (including pollution and contamination)*
 8 *across the species' range; and*

9 (4)(A) *because neotropical migratory birds range*
 10 *across numerous international borders each year,*
 11 *their conservation requires the commitment and effort*
 12 *of all countries along their migration routes; and*

13 (B) *although numerous initiatives exist to con-*
 14 *serve migratory birds and their habitat, those initia-*
 15 *tives can be significantly strengthened and enhanced*
 16 *by increased coordination.*

17 **SEC. 3. PURPOSES.**

18 *The purposes of this Act are—*

19 (1) *to perpetuate healthy populations of*
 20 *neotropical migratory birds;*

21 (2) *to assist in the conservation of neotropical*
 22 *migratory birds by supporting conservation initia-*
 23 *tives in the United States, Latin America, and the*
 24 *Caribbean; and*

1 (3) *to provide financial resources and to foster*
 2 *international cooperation for those initiatives.*

3 **SEC. 4. DEFINITIONS.**

4 *In this Act:*

5 (1) *ACCOUNT.*—*The term “Account” means the*
 6 *Neotropical Migratory Bird Conservation Account es-*
 7 *tablished by section 9(a).*

8 (2) *CONSERVATION.*—*The term “conservation”*
 9 *means the use of methods and procedures necessary to*
 10 *bring a species of neotropical migratory bird to the*
 11 *point at which there are sufficient populations in the*
 12 *wild to ensure the long-term viability of the species,*
 13 *including—*

14 (A) *protection and management of*
 15 *neotropical migratory bird populations;*

16 (B) *maintenance, management, protection,*
 17 *and restoration of neotropical migratory bird*
 18 *habitat;*

19 (C) *research and monitoring;*

20 (D) *law enforcement; and*

21 (E) *community outreach and education.*

22 (3) *SECRETARY.*—*The term “Secretary” means*
 23 *the Secretary of the Interior.*

1 **SEC. 5. FINANCIAL ASSISTANCE.**

2 (a) *IN GENERAL.*—*The Secretary shall establish a pro-*
 3 *gram to provide financial assistance for projects to promote*
 4 *the conservation of neotropical migratory birds.*

5 (b) *PROJECT APPLICANTS.*—*A project proposal may be*
 6 *submitted by—*

7 (1) *an individual, corporation, partnership,*
 8 *trust, association, or other private entity;*

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

13 (3) *a State, municipality, or political subdivi-*
 14 *sion of a State;*

15 (4) *any other entity subject to the jurisdiction of*
 16 *the United States or of any foreign country; and*

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

20 (c) *PROJECT PROPOSALS.*—*To be considered for finan-*
 21 *cial assistance for a project under this Act, an applicant*
 22 *shall submit a project proposal that—*

23 (1) *includes—*

24 (A) *the name of the individual responsible*
 25 *for the project;*

1 (B) a succinct statement of the purposes of
2 the project;

3 (C) a description of the qualifications of in-
4 dividuals conducting the project; and

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

8 (2) demonstrates that the project will enhance
9 the conservation of neotropical migratory bird species
10 in the United States, Latin America, or the Carib-
11 bean;

12 (3) includes mechanisms to ensure adequate local
13 public participation in project development and im-
14 plementation;

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

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

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

1 (7) provides any other information that the Sec-
 2 retary considers to be necessary for evaluating the
 3 proposal.

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

10 (e) *COST SHARING.*—

11 (1) *FEDERAL SHARE.*—The Federal share of the
 12 cost of each project shall be not greater than 25 per-
 13 cent.

14 (2) *NON-FEDERAL SHARE.*—

15 (A) *SOURCE.*—The non-Federal share re-
 16 quired to be paid for a project shall not be de-
 17 rived from any Federal grant program.

18 (B) *FORM OF PAYMENT.*—

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

23 (ii) *PROJECTS IN FOREIGN COUN-*
 24 *TRIES.*—The non-Federal share required to
 25 be paid for a project carried out in a for-

1 *eign country may be paid in cash or in*
 2 *kind.*

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

4 *In carrying out this Act, the Secretary shall—*

5 *(1) develop guidelines for the solicitation of pro-*
 6 *posals for projects eligible for financial assistance*
 7 *under section 5;*

8 *(2) encourage submission of proposals for*
 9 *projects eligible for financial assistance under section*
 10 *5, particularly proposals from relevant wildlife man-*
 11 *agement authorities;*

12 *(3) select proposals for financial assistance that*
 13 *satisfy the requirements of section 5, giving preference*
 14 *to proposals that address conservation needs not ade-*
 15 *quately addressed by existing efforts and that are sup-*
 16 *ported by relevant wildlife management authorities;*
 17 *and*

18 *(4) generally implement this Act in accordance*
 19 *with its purposes.*

20 **SEC. 7. COOPERATION.**

21 *(a) IN GENERAL.—In carrying out this Act, the Sec-*
 22 *retary shall—*

23 *(1) support and coordinate existing efforts to*
 24 *conserve neotropical migratory bird species,*
 25 *through—*

1 (A) *facilitating meetings among persons in-*
 2 *involved in such efforts;*

3 (B) *promoting the exchange of information*
 4 *among such persons;*

5 (C) *developing and entering into agreements*
 6 *with other Federal agencies, foreign, State, and*
 7 *local governmental agencies, and nongovern-*
 8 *mental organizations; and*

9 (D) *conducting such other activities as the*
 10 *Secretary considers to be appropriate; and*

11 (2) *coordinate activities and projects under this*
 12 *Act with existing efforts in order to enhance conserva-*
 13 *tion of neotropical migratory bird species.*

14 (b) *ADVISORY GROUP.—*

15 (1) *IN GENERAL.—To assist in carrying out this*
 16 *Act, the Secretary may convene an advisory group*
 17 *consisting of individuals representing public and pri-*
 18 *vate organizations actively involved in the conserva-*
 19 *tion of neotropical migratory birds.*

20 (2) *PUBLIC PARTICIPATION.—*

21 (A) *MEETINGS.—The advisory group*
 22 *shall—*

23 (i) *ensure that each meeting of the ad-*
 24 *visory group is open to the public; and*

1 (ii) provide, at each meeting, an op-
 2 portunity for interested persons to present
 3 oral or written statements concerning items
 4 on the agenda.

5 (B) NOTICE.—The Secretary shall provide
 6 to the public timely notice of each meeting of the
 7 advisory group.

8 (C) MINUTES.—Minutes of each meeting of
 9 the advisory group shall be kept by the Secretary
 10 and shall be made available to the public.

11 (3) EXEMPTION FROM FEDERAL ADVISORY COM-
 12 MITTEE ACT.—The Federal Advisory Committee Act
 13 (5 U.S.C. App.) shall not apply to the advisory
 14 group.

15 **SEC. 8. REPORT TO CONGRESS.**

16 Not later than October 1, 2002, the Secretary shall sub-
 17 mit to Congress a report on the results and effectiveness of
 18 the program carried out under this Act, including rec-
 19 ommendations concerning how the Act might be improved
 20 and whether the program should be continued.

21 **SEC. 9. NEOTROPICAL MIGRATORY BIRD CONSERVATION**
 22 **ACCOUNT.**

23 (a) ESTABLISHMENT.—There is established in the Mul-
 24 tinationa Species Conservation Fund of the Treasury a
 25 separate account to be known as the “Neotropical Migratory

1 *Bird Conservation Account*”, which shall consist of amounts
 2 deposited into the Account by the Secretary of the Treasury
 3 under subsection (b).

4 (b) *DEPOSITS INTO THE ACCOUNT.*—The Secretary of
 5 the Treasury shall deposit into the Account—

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

8 (2) other amounts appropriated to the Account.

9 (c) *USE.*—

10 (1) *IN GENERAL.*—Subject to paragraph (2), the
 11 Secretary may use amounts in the Account, without
 12 further Act of appropriation, to carry out this Act.

13 (2) *ADMINISTRATIVE EXPENSES.*—Of amounts in
 14 the Account available for each fiscal year, the Sec-
 15 retary may expend not more than 3 percent or up to
 16 \$80,000, whichever is greater, to pay the administra-
 17 tive expenses necessary to carry out this Act.

18 (d) *ACCEPTANCE AND USE OF DONATIONS.*—The Sec-
 19 retary may accept and use donations to carry out this Act.
 20 Amounts received by the Secretary in the form of donations
 21 shall be transferred to the Secretary of the Treasury for de-
 22 posit into the Account.

23 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

24 There is authorized to be appropriated to the Account
 25 to carry out this Act \$5,000,000 for each of fiscal years 2001

1 *through 2005, to remain available until expended, of which*
2 *not less than 75 percent of the amounts made available for*
3 *each fiscal year shall be expended for projects carried out*
4 *outside the United States.*

Attest:

Clerk.

106TH CONGRESS
2D SESSION

S. 148

AMENDMENT