

106TH CONGRESS
1ST SESSION

S. 148

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

IN THE SENATE OF THE UNITED STATES

JANUARY 19, 1999

Mr. ABRAHAM (for himself, Mr. DASCHLE, Mr. CHAFEE, Mr. HATCH, and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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 Congress finds that—

8 (1) of the nearly 800 bird species known to
9 occur in the United States, approximately 500 mi-

1 grate among countries, and the large majority of
2 those species, the neotropical migrants, winter in
3 Latin America and the Caribbean;

4 (2) neotropical migratory bird species provide
5 invaluable environmental, economic, recreational,
6 and aesthetic benefits to the United States, as well
7 as to the Western Hemisphere;

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

12 (B) the primary reason for the decline in the
13 populations of those species is habitat loss and deg-
14 radation (including pollution and contamination)
15 across the species' range; and

16 (4)(A) because neotropical migratory birds
17 range across numerous international borders each
18 year, their conservation requires the commitment
19 and effort of all countries along their migration
20 routes; and

21 (B) although numerous initiatives exist to con-
22 serve migratory birds and their habitat, those initia-
23 tives can be significantly strengthened and enhanced
24 by increased coordination.

1 **SEC. 3. PURPOSES.**

2 The purposes of this Act are—

3 (1) to perpetuate healthy populations of
4 neotropical migratory birds;

5 (2) to assist in the conservation of neotropical
6 migratory birds by supporting conservation initia-
7 tives in the United States, Latin America, and the
8 Caribbean; and

9 (3) to provide financial resources and to foster
10 international cooperation for those initiatives.

11 **SEC. 4. DEFINITIONS.**

12 In this Act:

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

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

22 (A) protection and management of
23 neotropical migratory bird populations;

24 (B) maintenance, management, protection,
25 and restoration of neotropical migratory bird
26 habitat;

1 (C) research and monitoring;

2 (D) law enforcement; and

3 (E) community outreach and education.

4 (3) SECRETARY.—The term “Secretary” means
5 the Secretary of the Interior.

6 **SEC. 5. FINANCIAL ASSISTANCE.**

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

10 (b) PROJECT APPLICANTS.—A project proposal may
11 be submitted by—

12 (1) an individual, corporation, partnership,
13 trust, association, or other private entity;

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

18 (3) a State, municipality, or political subdivi-
19 sion of a State;

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

22 (5) an international organization (as defined in
23 section 1 of the International Organizations Immu-
24 nities Act (22 U.S.C. 288)).

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

4 (1) includes—

5 (A) the name of the individual responsible
6 for the project;

7 (B) a succinct statement of the purposes of
8 the project;

9 (C) a description of the qualifications of
10 individuals conducting the project; and

11 (D) an estimate of the funds and time nec-
12 essary to complete the project, including
13 sources and amounts of matching funds;

14 (2) demonstrates that the project will enhance
15 the conservation of neotropical migratory bird spe-
16 cies in Latin America, the Caribbean, or the United
17 States;

18 (3) includes mechanisms to ensure adequate
19 local public participation in project development and
20 implementation;

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

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

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

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

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

15 (e) COST SHARING.—

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

19 (2) NON-FEDERAL SHARE.—

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

23 (B) FORM OF PAYMENT.—

24 (i) PROJECTS IN THE UNITED
25 STATES.—The non-Federal share required

1 to be paid for a project carried out in the
2 United States shall be paid in cash.

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

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

9 In carrying out this Act, the Secretary shall—

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

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

17 (3) select proposals for financial assistance that
18 satisfy the requirements of section 5, giving pref-
19 erence to proposals that address conservation needs
20 not adequately addressed by existing efforts and that
21 are supported by relevant wildlife management au-
22 thorities; and

23 (4) generally implement this Act in accordance
24 with its purposes.

1 **SEC. 7. COOPERATION.**

2 (a) IN GENERAL.—In carrying out this Act, the Sec-
3 retary shall—

4 (1) support and coordinate existing efforts to
5 conserve neotropical migratory bird species,
6 through—

7 (A) facilitating meetings among persons in-
8 volved in such efforts;

9 (B) promoting the exchange of information
10 among such persons;

11 (C) developing and entering into agree-
12 ments with other Federal agencies, foreign,
13 State, and local governmental agencies, and
14 nongovernmental organizations; and

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

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

20 (b) ADVISORY GROUP.—

21 (1) IN GENERAL.—To assist in carrying out
22 this Act, the Secretary may convene an advisory
23 group consisting of individuals representing public
24 and private organizations actively involved in the
25 conservation of neotropical migratory birds.

26 (2) PUBLIC PARTICIPATION.—

1 (A) MEETINGS.—The advisory group
2 shall—

3 (i) ensure that each meeting of the
4 advisory group is open to the public; and

5 (ii) provide, at each meeting, an op-
6 portunity for interested persons to present
7 oral or written statements concerning
8 items on the agenda.

9 (B) NOTICE.—The Secretary shall provide
10 to the public timely notice of each meeting of
11 the advisory group.

12 (C) MINUTES.—Minutes of each meeting
13 of the advisory group shall be kept by the Sec-
14 retary and shall be made available to the public.

15 (3) EXEMPTION FROM FEDERAL ADVISORY
16 COMMITTEE ACT.—The Federal Advisory Committee
17 Act (5 U.S.C. App.) shall not apply to the advisory
18 group.

19 **SEC. 8. REPORT TO CONGRESS.**

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

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 2003, 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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