

Calendar No. 79

106TH CONGRESS
1ST SESSION

S. 148

[Report No. 106-36]

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, Mr. DURBIN, Mr. LUGAR, Mr. WARNER, Mr. DEWINE, Mr. JEFFORDS, Mrs. MURRAY, Mr. SCHUMER, Mr. LOTT, and Mr. LIEBERMAN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

MARCH 26, 1999

Reported under authority of the order of the Senate of March 25, 1999, by
Mr. CHAFEE, without amendment

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,*

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
7 occur in the United States, approximately 500 mi-
8 grate among countries, and the large majority of
9 those species, the neotropical migrants, winter in
10 Latin America and the Caribbean;

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

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

19 (B) the primary reason for the decline in the
20 populations of those species is habitat loss and deg-
21 radation (including pollution and contamination)
22 across the species’ range; and

23 (4)(A) because neotropical migratory birds
24 range across numerous international borders each
25 year, their conservation requires the commitment

1 and effort of all countries along their migration
 2 routes; and

3 (B) although numerous initiatives exist to con-
 4 serve migratory birds and their habitat, those initia-
 5 tives can be significantly strengthened and enhanced
 6 by increased coordination.

7 **SEC. 3. PURPOSES.**

8 The purposes of this Act are—

9 (1) to perpetuate healthy populations of
 10 neotropical migratory birds;

11 (2) to assist in the conservation of neotropical
 12 migratory birds by supporting conservation initia-
 13 tives in the United States, Latin America, and the
 14 Caribbean; and

15 (3) to provide financial resources and to foster
 16 international cooperation for those initiatives.

17 **SEC. 4. DEFINITIONS.**

18 In this Act:

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

22 (2) CONSERVATION.—The term “conservation”
 23 means the use of methods and procedures necessary
 24 to bring a species of neotropical migratory bird to
 25 the point at which there are sufficient populations in

1 the wild to ensure the long-term viability of the spe-
 2 cies, including—

3 (A) protection and management of
 4 neotropical migratory bird populations;

5 (B) maintenance, management, protection,
 6 and restoration of neotropical migratory bird
 7 habitat;

8 (C) research and monitoring;

9 (D) law enforcement; and

10 (E) community outreach and education.

11 (3) SECRETARY.—The term “Secretary” means
 12 the Secretary of the Interior.

13 **SEC. 5. FINANCIAL ASSISTANCE.**

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

17 (b) PROJECT APPLICANTS.—A project proposal may
 18 be submitted by—

19 (1) an individual, corporation, partnership,
 20 trust, association, or other private entity;

21 (2) an officer, employee, agent, department, or
 22 instrumentality of the Federal Government, of any
 23 State, municipality, or political subdivision of a
 24 State, or of any foreign government;

1 (3) a State, municipality, or political subdivi-
2 sion of a State;

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

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

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

11 (1) includes—

12 (A) the name of the individual responsible
13 for the project;

14 (B) a succinct statement of the purposes of
15 the project;

16 (C) a description of the qualifications of
17 individuals conducting the project; and

18 (D) an estimate of the funds and time nec-
19 essary to complete the project, including
20 sources and amounts of matching funds;

21 (2) demonstrates that the project will enhance
22 the conservation of neotropical migratory bird spe-
23 cies in Latin America, the Caribbean, or the United
24 States;

1 (3) includes mechanisms to ensure adequate
2 local public participation in project development and
3 implementation;

4 (4) contains assurances that the project will be
5 implemented in consultation with relevant wildlife
6 management authorities and other appropriate gov-
7 ernment officials with jurisdiction over the resources
8 addressed by the project;

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

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

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

17 (d) PROJECT REPORTING.—Each recipient of assist-
18 ance for a project under this Act shall submit to the Sec-
19 retary such periodic reports as the Secretary considers to
20 be necessary. Each report shall include all information re-
21 quired by the Secretary for evaluating the progress and
22 outcome of the project.

23 (e) COST SHARING.—

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

4 (2) NON-FEDERAL SHARE.—

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

8 (B) FORM OF PAYMENT.—

9 (i) PROJECTS IN THE UNITED
10 STATES.—The non-Federal share required
11 to be paid for a project carried out in the
12 United States shall be paid in cash.

13 (ii) PROJECTS IN FOREIGN COUN-
14 TRIES.—The non-Federal share required to
15 be paid for a project carried out in a for-
16 eign country may be paid in cash or in
17 kind.

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

19 In carrying out this Act, the Secretary shall—

20 (1) develop guidelines for the solicitation of pro-
21 posals for projects eligible for financial assistance
22 under section 5;

23 (2) encourage submission of proposals for
24 projects eligible for financial assistance under sec-

1 tion 5, particularly proposals from relevant wildlife
2 management authorities;

3 (3) select proposals for financial assistance that
4 satisfy the requirements of section 5, giving pref-
5 erence to proposals that address conservation needs
6 not adequately addressed by existing efforts and that
7 are supported by relevant wildlife management au-
8 thorities; and

9 (4) generally implement this Act in accordance
10 with its purposes.

11 **SEC. 7. COOPERATION.**

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

14 (1) support and coordinate existing efforts to
15 conserve neotropical migratory bird species,
16 through—

17 (A) facilitating meetings among persons in-
18 volved in such efforts;

19 (B) promoting the exchange of information
20 among such persons;

21 (C) developing and entering into agree-
22 ments with other Federal agencies, foreign,
23 State, and local governmental agencies, and
24 nongovernmental organizations; and

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

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

6 (b) ADVISORY GROUP.—

7 (1) IN GENERAL.—To assist in carrying out
8 this Act, the Secretary may convene an advisory
9 group consisting of individuals representing public
10 and private organizations actively involved in the
11 conservation of neotropical migratory birds.

12 (2) PUBLIC PARTICIPATION.—

13 (A) MEETINGS.—The advisory group
14 shall—

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

17 (ii) provide, at each meeting, an op-
18 portunity for interested persons to present
19 oral or written statements concerning
20 items on the agenda.

21 (B) NOTICE.—The Secretary shall provide
22 to the public timely notice of each meeting of
23 the advisory group.

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

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

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

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

14 **SEC. 9. NEOTROPICAL MIGRATORY BIRD CONSERVATION**
 15 **ACCOUNT.**

16 (a) ESTABLISHMENT.—There is established in the
 17 Multinational Species Conservation Fund of the Treasury
 18 a separate account to be known as the “Neotropical Mi-
 19 gratory Bird Conservation Account”, which shall consist
 20 of amounts deposited into the Account by the Secretary
 21 of the Treasury under subsection (b).

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

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

1 (2) other amounts appropriated to the Account.

2 (c) USE.—

3 (1) IN GENERAL.—Subject to paragraph (2),
4 the Secretary may use amounts in the Account,
5 without further Act of appropriation, to carry out
6 this Act.

7 (2) ADMINISTRATIVE EXPENSES.—Of amounts
8 in the Account available for each fiscal year, the
9 Secretary may expend not more than 6 percent to
10 pay the administrative expenses necessary to carry
11 out this Act.

12 (d) ACCEPTANCE AND USE OF DONATIONS.—The
13 Secretary may accept and use donations to carry out this
14 Act. Amounts received by the Secretary in the form of do-
15 nations shall be transferred to the Secretary of the Treas-
16 ury for deposit into the Account.

17 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

18 There is authorized to be appropriated to the Account
19 to carry out this Act \$8,000,000 for each of fiscal years
20 2000 through 2003, to remain available until expended,
21 of which not less than 50 percent of the amounts made
22 available for each fiscal year shall be expended for projects
23 carried out outside the United States.

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