

105TH CONGRESS
2D SESSION

H. R. 4517

To assist in the conservation of neotropical migratory birds by supporting and providing financial resources for the conservation programs of nations within the range of neotropical migratory birds and projects of persons with demonstrated expertise in the conservation of these species.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 6, 1998

Mr. YOUNG of Alaska introduced the following bill; which was referred to the Committee on Resources

A BILL

To assist in the conservation of neotropical migratory birds by supporting and providing financial resources for the conservation programs of nations within the range of neotropical migratory birds and projects of persons with demonstrated expertise in the conservation of these species.

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 Habitat Enhancement Act”.

1 **SEC. 2. FINDINGS.**

2 The Congress finds the following:

3 (1) Neotropical migratory bird populations in
4 nations within the range of neotropical migratory
5 birds have continued to decline to the point that the
6 long-term survival of various species in the wild is
7 in jeopardy.

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

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

20 (4) The Government of Mexico presently lists
21 approximately 390 birds species as endangered,
22 threatened, vulnerable, or rare.

23 (5) Healthy bird populations provide important
24 economic benefits, such as control of detrimental in-
25 sects on agricultural crops, thus preventing the loss

1 of millions of dollars each year to farming and tim-
2 ber interests.

3 (6) Neotropical migratory birds travel across
4 many international borders, therefore the conserva-
5 tion of these species requires that safeguards be es-
6 tablished at both the beginning and end of the mi-
7 gration routes, as well as at essential stopover areas
8 along the way.

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

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

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

1 **SEC. 3. PURPOSES.**

2 The purposes of this Act are the following:

3 (1) To perpetuate healthy populations of
4 neotropical migratory birds.

5 (2) To assist in the conservation and protection
6 of neotropical migratory birds by supporting the
7 conservation programs of neotropical migratory bird
8 range states and the CITES Secretariat.

9 (3) To provide financial resources for those pro-
10 grams.

11 **SEC. 4. DEFINITIONS.**

12 In this Act:

13 (1) The term “CITES” means the Convention
14 on International Trade in Endangered Species of
15 Wild Fauna and Flora, signed on March 3, 1973,
16 and its appendices.

17 (2) The term “Commission” means the Migra-
18 tory Bird Conservation Commission established by
19 the Migratory Bird Conservation Act (16 U.S.C. 715
20 et seq.).

21 (3) The term “conservation” means the use of
22 methods and procedures necessary to bring
23 neotropical migratory birds to the point at which
24 there are sufficient populations in the wild to ensure
25 that the various species of such birds do not become
26 extinct, including all activities associated with sci-

1 entific resource management, such as conservation,
2 protection, restoration, acquisition, and management
3 of habitat; research and monitoring of known popu-
4 lations; CITES enforcement; law enforcement
5 through community participation; conflict resolution
6 initiatives; and community outreach and education.

7 (4) The term “Fund” means the Neotropical
8 Migratory Bird Conservation Fund established
9 under section 6(a).

10 (5) The term “Secretary” means the Secretary
11 of the Interior.

12 **SEC. 5. NEOTROPICAL MIGRATORY BIRD CONSERVATION**
13 **ASSISTANCE.**

14 (a) ASSISTANCE AUTHORIZED.—

15 (1) IN GENERAL.—The Secretary, subject to
16 the availability of funds and in consultation with the
17 Commission, shall use amounts in the Fund to pro-
18 vide financial assistance for projects for the con-
19 servation of neotropical migratory birds for which
20 final project proposals are approved by the Secretary
21 in accordance with this section.

22 (2) PRIORITY.—The Secretary shall provide
23 that assistance in accordance with the following pri-
24 ority:

1 (A) First, for projects proposed by relevant
2 wildlife management authorities referred to in
3 subsection (b).

4 (B) Second, for projects proposed by the
5 CITES Secretariat.

6 (C) Third, for projects proposed by any
7 other person.

8 (b) PROJECT PROPOSAL.—Any relevant wildlife man-
9 agement authority of a nation within the range of
10 neotropical migratory birds whose activities directly or in-
11 directly affect neotropical migratory bird populations, the
12 CITES Secretariat, or any person with demonstrated ex-
13 pertise in the conservation of neotropical migratory birds,
14 may submit to the Secretary a project proposal under this
15 section. Each proposal shall include the following:

16 (1) The name of the individual responsible for
17 conducting the project.

18 (2) A succinct statement of the purposes of the
19 project.

20 (3) A description of the qualifications of the in-
21 dividuals who will conduct the project.

22 (4) An estimate of the funds and time required
23 to complete the project.

24 (5) Evidence of support of the project by appro-
25 priate governmental entities of countries in which

1 the project will be conducted, if the Secretary deter-
2 mines that the support is required for the success
3 of the project.

4 (6) Information regarding the source and
5 amount of matching funding available to the appli-
6 cant.

7 (7) Any other information the Secretary consid-
8 ers to be necessary for evaluating the eligibility of
9 the project for funding under this Act.

10 (c) PROJECT REVIEW AND APPROVAL.—

11 (1) IN GENERAL.—Within 30 days after receiv-
12 ing a final project proposal, the Secretary shall pro-
13 vide a copy of the proposal to the Commission. The
14 Secretary shall review each final project proposal to
15 determine if it meets the criteria set forth in sub-
16 section (d).

17 (2) CONSULTATION; APPROVAL OR DIS-
18 APPROVAL.—Not later than 6 months after receiving
19 a final project proposal, and subject to the availabil-
20 ity of funds, the Secretary, after consulting with the
21 Commission, shall—

22 (A) request written comments on the pro-
23 posal from each country within which the
24 project is to be conducted;

1 (B) after requesting those comments, ap-
2 prove or disapprove the proposal; and

3 (C) provide written notification of that ap-
4 proval or disapproval to the person who submit-
5 ted the proposal, the Commission, and each of
6 those countries.

7 (d) CRITERIA FOR APPROVAL.—The Secretary may
8 approve a final project proposal under this section if the
9 project will enhance programs for conservation of
10 neotropical migratory birds by assisting efforts to—

11 (1) implement conservation programs;

12 (2) develop sound scientific information on the
13 condition of neotropical migratory bird habitat,
14 neotropical migratory bird population numbers and
15 trends, or the threats to such habitat, numbers, or
16 trends; or

17 (3) promote cooperative projects on those topics
18 with other foreign governments, affected local com-
19 munities, nongovernmental organizations, or others
20 in the private sector.

21 (e) PROJECT SUSTAINABILITY.—To the maximum
22 extent practical, in determining whether to approve project
23 proposals under this section, the Secretary shall give con-
24 sideration to projects which will enhance sustainable inte-
25 grated conservation development programs to ensure ef-

1 fective, long-term conservation of neotropical migratory
2 birds.

3 (f) PROJECT REPORTING.—Each person who receives
4 assistance under this section for a project shall provide
5 periodic reports, as the Secretary considers necessary, to
6 the Secretary and the Commission. Each report shall in-
7 clude all information required by the Secretary, after con-
8 sulting with the Commission, for evaluating the progress
9 and success of the project.

10 (g) MATCHING FUNDS.—In determining whether to
11 approve project proposals under this section, the Secretary
12 shall give priority to those projects for which there exists
13 some measure of matching funds.

14 **SEC. 6. NEOTROPICAL MIGRATORY BIRD CONSERVATION**
15 **FUND.**

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

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

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 Fund.

2 (c) USE.—

3 (1) IN GENERAL.—Subject to paragraph (2),
4 the Secretary may use amounts in the Fund without
5 further appropriation to provide assistance under
6 section 5.

7 (2) ADMINISTRATION.—Of amounts in the
8 Fund available for each fiscal year, the Secretary
9 may use not more than 3 percent to administer the
10 Fund.

11 (d) ACCEPTANCE AND USE OF DONATIONS.—The
12 Secretary may accept and use donations to provide assist-
13 ance under section 5. Amounts received by the Secretary
14 in the form of donations shall be transferred to the Sec-
15 retary of the Treasury for deposit into the Fund.

16 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

17 There are authorized to be appropriated to the Fund
18 \$5,000,000 for each of fiscal years 1999, 2000, 2001, and
19 2002 to carry out this Act, which may remain available
20 until expended.

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