

Union Calendar No. 42

106TH CONGRESS
1ST Session

H. R. 39

[Report No. 106-80]

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APRIL 12, 1999

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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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

APRIL 12, 1999

Additional sponsors: Mr. GREENWOOD and Mrs. KELLY

APRIL 12, 1999

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on January 16, 1999]

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 *The Congress finds the following:*

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

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

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

23 (4) *The Government of Mexico presently lists ap-*
24 *proximately 390 bird species as endangered, threat-*
25 *ened, vulnerable, or rare.*

1 (5) *Healthy bird populations provide important*
2 *economic benefits, such as control of detrimental in-*
3 *sects on agricultural crops, thus preventing the loss of*
4 *millions of dollars each year to farming and timber*
5 *interests.*

6 (6) *Neotropical migratory birds travel across*
7 *many international borders, therefore the conservation*
8 *of these species requires that safeguards be established*
9 *at both the beginning and end of the migration*
10 *routes, as well as at essential stopover areas along the*
11 *way.*

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

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

23 (9) *A Neotropical Migratory Bird Conservation*
24 *fund would provide much-needed support for projects*
25 *aimed at protecting critical habitat for declining mi-*

1 *gratory bird species, in an innovative way that pro-*
2 *motest conservation partnerships and cost sharing*
3 *through joint Federal and non-Federal support mech-*
4 *anisms.*

5 **SEC. 3. PURPOSES.**

6 *The purposes of this Act are the following:*

7 (1) *To perpetuate healthy populations of*
8 *neotropical migratory birds.*

9 (2) *To assist in the conservation and protection*
10 *of neotropical migratory birds by supporting con-*
11 *servation initiatives in Canada, Latin America, and*
12 *the Caribbean.*

13 (3) *To provide financial resources and to foster*
14 *international cooperation for those initiatives.*

15 **SEC. 4. DEFINITIONS.**

16 *In this Act:*

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

20 (2) *CONSERVATION.*—*The term “conservation”*
21 *means the use of methods and procedures necessary to*
22 *bring a species of neotropical migratory bird to the*
23 *point at which there are sufficient populations in the*
24 *wild to ensure the long-term viability of the species,*
25 *including—*

1 (A) protection and management of
2 neotropical migratory bird populations;

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

6 (C) research and monitoring;

7 (D) law enforcement; and

8 (E) community outreach and education.

9 (3) SECRETARY.—The term “Secretary” means
10 the Secretary of the Interior.

11 **SEC. 5. FINANCIAL ASSISTANCE.**

12 (a) IN GENERAL.—The Secretary shall establish a pro-
13 gram to provide financial assistance for projects outside of
14 the United States to promote the conservation of neotropical
15 migratory birds.

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

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

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

24 (3) a State, municipality, or political subdivi-
25 sion of a State;

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

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

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

9 (1) *includes—*

10 (A) *the name of the individual responsible*
11 *for the project;*

12 (B) *a succinct statement of the purposes of*
13 *the organization that will conduct the project*
14 *and of the project;*

15 (C) *a description of the qualifications of in-*
16 *dividuals conducting the project; and*

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

20 (2) *demonstrates that the project will enhance*
21 *the conservation of neotropical migratory bird species*
22 *in Latin America, the Caribbean, or the United*
23 *States;*

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

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;

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

17 (8) provides assurances of the financial viability
18 of the applicant and the project by providing finan-
19 cial information to prove the applicant's ability to
20 complete the project.

21 (d) *PROJECT REPORTING.*—Each recipient of assist-
22 ance for a project under this Act shall submit to the Sec-
23 retary such periodic reports as the Secretary considers to
24 be necessary. Each report shall include all information re-

1 *quired by the Secretary for evaluating the progress and out-*
 2 *come of the project.*

3 *(e) COST SHARING.—*

4 *(1) FEDERAL SHARE.—The Federal share of the*
 5 *cost of each project shall be not greater than 33 per-*
 6 *cent.*

7 *(2) NON-FEDERAL SHARE.—*

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

11 *(B) FORM OF PAYMENT.—The non-Federal*
 12 *share of the costs of a project carried out with*
 13 *assistance under this Act may be paid in cash*
 14 *or in kind.*

15 *(f) PURCHASE OF LAND ONLY FROM WILLING SELL-*
 16 *ERS.—Amounts of financial assistance provided under this*
 17 *Act shall not be used to acquire any land or interest in*
 18 *land except from a willing seller.*

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

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

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

24 *(2) encourage submission of proposals for*
 25 *projects eligible for financial assistance under section*

1 5, particularly proposals from relevant wildlife man-
2 agement authorities;

3 (3) select proposals for financial assistance that
4 satisfy the requirements of section 5, giving priority
5 to proposals that address conservation needs not ade-
6 quately addressed by existing efforts and that are sup-
7 ported by relevant wildlife management authorities;
8 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 agreements
22 with other Federal agencies, foreign, State, and
23 local governmental agencies, and nongovern-
24 mental 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 conserva-
5 tion of neotropical migratory bird species.

6 (b) *ADVISORY GROUP.*—

7 (1) *IN GENERAL.*—The Secretary may establish
8 an advisory group in accordance with this subsection
9 to advise the Secretary regarding the implementation
10 of this Act.

11 (2) *MEMBERSHIP.*—An advisory group estab-
12 lished under this subsection shall consist of individ-
13 uals who represent public and private organizations
14 that are actively involved in the conservation of
15 neotropical migratory birds.

16 (3) *PUBLIC PARTICIPATION.*—

17 (A) *MEETINGS.*—An advisory group estab-
18 lished under this subsection shall—

19 (i) ensure that each meeting of the ad-
20 visory group is open to the public; and

21 (ii) provide, at each meeting of the ad-
22 visory group, an opportunity for interested
23 persons to present oral or written state-
24 ments concerning items on the agenda for
25 the meeting.

1 (B) *NOTICE.*—*The Secretary shall provide*
2 *to the public timely notice of each meeting of the*
3 *advisory group.*

4 (C) *MINUTES.*—*The Secretary shall keep*
5 *and make available to the public minutes of each*
6 *meeting of the advisory group.*

7 (4) *EXEMPTION.*—*The Federal Advisory Com-*
8 *mittee Act (5 App. U.S.C.) shall not apply to the es-*
9 *tablishment and activities of an advisory group in*
10 *accordance with this subsection.*

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

12 *Not later than October 1, 2002, the Secretary shall sub-*
13 *mit to Congress a report on the results and effectiveness of*
14 *the program carried out under this Act, including rec-*
15 *ommendations concerning how the Act might be improved*
16 *and whether the program should be continued in the future.*

17 **SEC. 9. NEOTROPICAL MIGRATORY BIRD CONSERVATION**
18 **ACCOUNT.**

19 (a) *ESTABLISHMENT.*—*There is established in the Mul-*
20 *tinational Species Conservation Fund of the Treasury a*
21 *separate account to be known as the “Neotropical Migratory*
22 *Bird Conservation Account”, which shall consist of amounts*
23 *deposited into the Account by the Secretary of the Treasury*
24 *under subsection (b).*

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

3 (1) *all amounts received by the Secretary in the*
 4 *form of donations under subsection (d); and*

5 (2) *other amounts appropriated to the Account.*

6 (c) *USE.*—

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

10 (2) *ADMINISTRATIVE EXPENSES.*—*Of amounts in*
 11 *the Account available for each fiscal year, the Sec-*
 12 *retary may expend not more than 6 percent to pay*
 13 *the administrative expenses necessary to carry out*
 14 *this Act.*

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

20 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

21 *There is authorized to be appropriated to the Account*
 22 *to carry out this Act \$8,000,000 for each of fiscal years 2000*
 23 *through 2002, to remain available until expended.*

1 **SEC. 11. PRIVATE PROPERTY.**

2 *Nothing in this Act shall place restrictions on commer-*
3 *cial or private use of private property in the United States,*
4 *nor shall there be any taking of private land in the United*
5 *States under this Act.*