

Calendar No. 201

109TH CONGRESS
1ST SESSION

S. 1410

[Report No. 109-132]

To reauthorize the Neotropical Migratory Bird Conservation Act, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 14, 2005

Mr. CHAFEE (for himself, Mr. JEFFORDS, Mrs. CLINTON, Mr. LAUTENBERG, Mr. VOINOVICH, and Mr. CRAPO) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

SEPTEMBER 6, 2005

Reported by Mr. INHOFE, without amendment

A BILL

To reauthorize the Neotropical Migratory Bird Conservation Act, and for other purposes.

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 Improvement Act of 2005”.

1 **SEC. 2. AMENDMENTS TO NEOTROPICAL MIGRATORY BIRD**
2 **CONSERVATION ACT.**

3 (a) FINDINGS.—Section 2(1) of the Neotropical Mi-
4 gratory Bird Conservation Act (16 U.S.C. 6101(1)) is
5 amended by inserting “, but breed in Canada and the
6 United States” after “the Caribbean”.

7 (b) PURPOSES.—Section 3(2) of the Neotropical Mi-
8 gratory Bird Conservation Act (16 U.S.C. 6102(2)) is
9 amended by inserting “Canada,” after “United States,”.

10 (c) DEFINITION OF CARIBBEAN.—Section 4 of the
11 Neotropical Migratory Bird Conservation Act (16 U.S.C.
12 6103) is amended—

13 (1) by redesignating paragraph (3) as para-
14 graph (4);

15 (2) by striking paragraph (1) and inserting the
16 following:

17 “(1) CARIBBEAN.—The term ‘Caribbean’ in-
18 cludes Puerto Rico and the United States Virgin Is-
19 lands.”; and

20 (3) by inserting after paragraph (2) the fol-
21 lowing:

22 “(3) FUND.—The term ‘Fund’ means the
23 Neotropical Migratory Bird Conservation Fund es-
24 tablished by section 9(a).”.

25 (d) PROJECT PROPOSALS.—Section 5(c)(2) of the
26 Neotropical Migratory Bird Conservation Act (16 U.S.C.

1 6104(c)(2)) is amended by inserting “Canada,” after
2 “United States,”.

3 (e) COST SHARING.—Section 5(e) of the Neotropical
4 Migratory Bird Conservation Act (16 U.S.C. 6104(e)) is
5 amended—

6 (1) in paragraph (1), by striking “25 percent”
7 and inserting “50 percent”; and

8 (2) in paragraph (2), by striking subparagraph
9 (B) and inserting the following:

10 “(B) FORM OF PAYMENT.—

11 “(i) PROJECTS IN THE UNITED
12 STATES AND CANADA.—The non-Federal
13 share required to be paid for a project car-
14 ried out in the United States or Canada
15 shall be paid in cash.

16 “(ii) PROJECTS IN LATIN AMERICA
17 AND THE CARIBBEAN.—The non-Federal
18 share required to be paid for a project car-
19 ried out in Latin America or the Caribbean
20 may be paid in cash or in kind.”.

21 (f) REPORT.—Section 8 of the Neotropical Migratory
22 Bird Conservation Act (16 U.S.C. 6107) is amended—

23 (1) by striking “October 1, 2002,” and insert-
24 ing “2 years after the date of enactment of the

1 Neotropical Migratory Bird Conservation Improve-
2 ment Act of 2005,”;

3 (2) by striking “this Act, including rec-
4 ommendations” and inserting “this Act that in-
5 cludes—

6 “(1) recommendations”;

7 (3) by striking the period at the end and insert-
8 ing “; and”; and

9 (4) by adding at the end the following:

10 “(2) a description of the activities of the advi-
11 sory group convened under section 7(b).”.

12 (g) NEOTROPICAL MIGRATORY BIRD CONSERVATION
13 FUND.—

14 (1) IN GENERAL.—Section 9 of the Neotropical
15 Migratory Bird Conservation Act (16 U.S.C. 6108)
16 is amended—

17 (A) by striking the section heading and all
18 that follows through subsection (b) and insert-
19 ing the following:

20 **“SEC. 9. NEOTROPICAL MIGRATORY BIRD CONSERVATION**
21 **FUND.**

22 “(a) ESTABLISHMENT.—There is established in the
23 Treasury a separate account to be known as the
24 ‘Neotropical Migratory Bird Conservation Fund’, which

1 shall consist of amounts deposited in the Fund by the Sec-
2 retary of the Treasury under subsection (b).

3 “(b) DEPOSITS IN THE FUND.—The Secretary of the
4 Treasury shall deposit into the Fund—

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

7 “(2) other amounts appropriated to the Fund.”;
8 and

9 (B) in subsections (c) and (d), by striking
10 “Account” each place it appears and inserting
11 “Fund”.

12 (2) ADMINISTRATIVE EXPENSES.—Section
13 9(c)(2) of the Neotropical Migratory Bird Conserva-
14 tion Act (16 U.S.C. 6108(c)(2)) is amended by
15 striking “\$80,000” and inserting “\$150,000”.

16 (3) TRANSFER.—The Secretary of the Treasury
17 shall transfer to the Neotropical Migratory Bird
18 Conservation Fund amounts that were in the
19 Neotropical Migratory Bird Conservation Account
20 immediately before the date of enactment of this
21 Act.

22 (h) AUTHORIZATION OF APPROPRIATIONS.—Section
23 10 of the Neotropical Migratory Bird Conservation Act
24 (16 U.S.C. 6109) is amended to read as follows:

1 **“SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

2 “(a) IN GENERAL.—There are authorized to be ap-
3 propriated to the Fund to carry out this Act—

4 “(1) \$5,000,000 for each of fiscal years 2006
5 and 2007;

6 “(2) \$8,000,000 for fiscal year 2008; and

7 “(3) \$10,000,000 for each of fiscal years 2009
8 and 2010.

9 “(b) AVAILABILITY.—Amounts made available under
10 this section shall remain available until expended.

11 “(c) ALLOCATION.—Of amounts made available
12 under this section for a fiscal year, not less than 75 per-
13 cent shall be expended for projects carried out outside the
14 United States.”.

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