

117TH CONGRESS  
2D SESSION

# S. 4187

To amend the Neotropical Migratory Bird Conservation Act to make improvements to that Act, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MAY 11 (legislative day, MAY 10), 2022

Mr. CARDIN (for himself and Mr. PORTMAN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To amend the Neotropical Migratory Bird Conservation Act to make improvements to that 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 “Migratory Birds of  
5 the Americas Conservation Enhancements Act of 2022”.

6 **SEC. 2. NEOTROPICAL MIGRATORY BIRD CONSERVATION**  
7 **ACT AMENDMENTS.**

8 (a) COST SHARING.—Section 5 of the Neotropical  
9 Migratory Bird Conservation Act (16 U.S.C. 6104) is  
10 amended—

(1) in subsection (e)(1), by striking “25 percent” and inserting “33.3 percent”; and

(2) by adding at the end the following:

“(f) CRITERIA.—

“(1) IN GENERAL.—In accordance with paragraph (2), the Secretary shall establish criteria for awarding financial assistance under this section.

“(2) REQUIREMENT.—The criteria established under paragraph (1) shall provide that project proposals submitted under subsection (c) that have a higher non-Federal share, as compared to other project proposals submitted under that subsection, shall receive additional consideration by the Secretary before determining which project proposals shall receive financial assistance under this section.

“(3) AVAILABILITY.—The Secretary shall—

“(A) make the criteria established under paragraph (1) publicly available; and

“(B) include those criteria in—

“(i) each notice of funding opportunity for the program under this section; and

“(ii) any application instructions developed by the Secretary for that program.”.

1 (b) REPORTS TO CONGRESS.—Section 8 of the  
 2 Neotropical Migratory Bird Conservation Act (16 U.S.C.  
 3 6107) is amended—

4 (1) in the section heading, by striking “**RE-**  
 5 **PORT**” and inserting “**REPORTS**”;

6 (2) by striking “Not later than 2 years” and in-  
 7 serting the following:

8 “(a) RESULTS AND EFFECTIVENESS OF PROGRAM.—  
 9 Not later than 2 years”; and

10 (3) by inserting after subsection (a) (as so des-  
 11 ignated) the following:

12 “(b) COST SHARING AND CRITERIA IMPLEMENTA-  
 13 TION.—Not later than 3 years after the date of enactment  
 14 of the Migratory Birds of the Americas Conservation En-  
 15 hancements Act of 2022, the Secretary shall submit to the  
 16 Committee on Environment and Public Works of the Sen-  
 17 ate and the Committee on Natural Resources of the House  
 18 of Representatives a report that includes an analysis of  
 19 the implementation by the Secretary of subsection (f) of  
 20 section 5, which shall include an analysis of the project  
 21 proposals selected to receive financial assistance using the  
 22 criteria established under that subsection.

23 “(c) ADVISORY GROUP IMPLEMENTATION.—Not  
 24 later than 18 months after the date of enactment of the  
 25 Migratory Birds of the Americas Conservation Enhance-

1 ments Act of 2022, the Secretary shall submit to the Com-  
 2 mittee on Environment and Public Works of the Senate  
 3 and the Committee on Natural Resources of the House  
 4 of Representatives a report describing the implementation  
 5 of subsection (b) of section 7 by the Secretary, which shall  
 6 include, if applicable, a description of the composition of  
 7 the advisory group convened under paragraph (1) of that  
 8 subsection.”.

9 (c) NEOTROPICAL MIGRATORY BIRD CONSERVATION  
 10 FUND ADMINISTRATIVE EXPENSES.—Section 9(c)(2) of  
 11 the Neotropical Migratory Bird Conservation Act (16  
 12 U.S.C. 6108(c)(2)) is amended by striking “3 percent or  
 13 up to \$100,000” and inserting “5 percent or up to  
 14 \$300,000”.

15 (d) AUTHORIZATION OF APPROPRIATIONS.—Section  
 16 10 of the Neotropical Migratory Bird Conservation Act  
 17 (16 U.S.C. 6109) is amended by striking subsection (a)  
 18 and inserting the following:

19 “(a) IN GENERAL.—There are authorized to be ap-  
 20 propriated to carry out this Act—

21 “(1) for fiscal year 2023, \$20,000,000;

22 “(2) for fiscal year 2024, \$21,250,000;

23 “(3) for fiscal year 2025, \$22,500,000;

24 “(4) for fiscal year 2026, \$23,750,000; and

25 “(5) for fiscal year 2027, \$25,000,000.”.

1 (e) TECHNICAL CORRECTIONS.—

2 (1) Section 4 of the Neotropical Migratory Bird  
3 Conservation Act (16 U.S.C. 6103) is amended—

4 (A) by striking paragraph (1); and

5 (B) by redesignating paragraphs (2)  
6 through (5) as paragraphs (1) through (4), re-  
7 spectively.

8 (2) Section 7(b)(1) of the Neotropical Migra-  
9 tory Bird Conservation Act (16 U.S.C. 6106(b)(1))  
10 is amended, in the second sentence, by adding a pe-  
11 riod at the end.

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