

105TH CONGRESS  
2D SESSION

# H. R. 4302

To require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 22, 1998

Mr. GREENWOOD (for himself, Mr. MANTON, Mr. BOEHLERT, Mr. DINGELL, Mr. GUTIERREZ, Mr. MILLER of California, Mrs. JOHNSON of Connecticut, Mr. SHAYS, Mr. HORN, and Mr. EHLERS) introduced the following bill; which was referred to the Committee on Resources

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## 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Neotropical Migratory  
5 Bird Conservation Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

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1           (1)(A) birds constitute one of the most widely  
2 recognized and appreciated components of North  
3 American wildlife;

4           (B) approximately 25,000,000 Americans travel  
5 to observe birds; and

6           (C) more than 60,000,000 adult Americans  
7 watch and feed birds at home;

8           (2) birds—

9           (A) are key indicators of environmental  
10 health;

11           (B) play important roles in plant polli-  
12 nation and seed dispersal;

13           (C) serve as critical links in the food web;  
14 and

15           (D) maintain the health of the environ-  
16 ment;

17           (3)(A) healthy bird populations provide impor-  
18 tant economic benefits, such as control of noxious  
19 insects on agricultural crops, thereby preventing  
20 hundreds of millions of dollars in economic losses  
21 each year to farming and timber interests; and

22           (B) more than \$20,000,000,000 is spent in the  
23 United States each year on watching and feeding  
24 birds;

1           (4)(A) despite their irreplaceable value, many  
2 North American bird species, once considered com-  
3 mon, are in decline;

4           (B) 90 North American bird species are listed  
5 as endangered or threatened in the United States;

6           (C) another 124 North American bird species  
7 are of high conservation concern; and

8           (D) Mexico's Secretariat of Environment, Natu-  
9 ral Resources and Fisheries lists approximately 390  
10 bird species as being endangered, threatened, vulner-  
11 able, or rare;

12           (5)(A) of the nearly 800 bird species known to  
13 occur in the United States, approximately 500 mi-  
14 grate among nations;

15           (B) the large majority of those species, the  
16 neotropical migrants, winter in Latin America and  
17 the Caribbean; and

18           (C) neotropical migrants in particular have re-  
19 ceived much attention because of their population  
20 declines;

21           (6)(A) the primary reason for the declines is  
22 habitat loss and degradation (including pollution and  
23 contamination);

24           (B) because neotropical migrants range across  
25 numerous international borders each year, their con-

1        servation requires that safeguards be established at  
2        both ends of the migration routes, as well as at criti-  
3        cal stopover areas along the way; and

4            (C) establishing such safeguards necessitates  
5        the joint commitment and effort of all nations that  
6        support those species, as well as all levels of society;  
7        and

8            (7) this Act constitutes an effort on the part of  
9        the United States to adopt appropriate measures for  
10       the protection of migratory birds in collaboration  
11       with—

12            (A) neighboring nations that are parties to  
13        the Convention Respecting Nature Protection  
14        and Wildlife Preservation in the Western Hemi-  
15        sphere, done at the Pan American Union,  
16        Washington, October 12, 1940 (56 Stat. 1354);  
17        and

18            (B) States, conservation organizations, cor-  
19        porations and business interests, and other pri-  
20        vate entities.

21 **SEC. 3. PURPOSES.**

22        The purposes of this Act are—

23            (1) to assist in the conservation of neotropical  
24        migratory birds by supporting neotropical migratory  
25        bird conservation programs in Latin America, the

1 Caribbean, and the United States with a focus on  
2 reversing habitat loss and degradation;

3 (2) to promote partnerships between Federal,  
4 State, and nongovernmental entities in the United  
5 States in the conservation of neotropical migratory  
6 birds;

7 (3) to foster active governmental and non-  
8 governmental participation in neotropical migratory  
9 bird conservation by cooperating countries through-  
10 out Latin America and the Caribbean;

11 (4) to promote circumstances under which the  
12 conservation of neotropical migratory birds in Latin  
13 America and the Caribbean may be carried out by  
14 local entities;

15 (5) to provide financial resources for projects  
16 that support neotropical migratory bird conserva-  
17 tion;

18 (6) to promote the effective conservation of  
19 neotropical migratory birds in the Western Hemi-  
20 sphere through collaboration at all levels of society;  
21 and

22 (7) to link, bolster, and augment successful ex-  
23 isting neotropical migratory bird conservation ef-  
24 forts, rather than creating new and separate initia-  
25 tives.

1 **SEC. 4. CONSERVATION ASSISTANCE.**

2 (a) IN GENERAL.—The Secretary of the Interior, act-  
3 ing through the Director of the United States Fish and  
4 Wildlife Service (referred to in this Act as the “Sec-  
5 retary”), shall establish a program to provide financial as-  
6 sistance for projects to promote the conservation of  
7 neotropical migratory birds.

8 (b) PROJECT APPLICANTS.—An entity that is eligible  
9 to receive financial assistance for a project under this Act  
10 is an entity that—

11 (1) is—

12 (A) a Federal, State, or local governmental  
13 entity of the United States;

14 (B) a United States nongovernmental or-  
15 ganization, corporation or business interest, or  
16 other private entity;

17 (C) a governmental or nongovernmental  
18 organization, corporation or business interest,  
19 or other private entity in Latin America or the  
20 Caribbean; or

21 (D) an international organization that is  
22 dedicated to achieving the purposes of this Act;  
23 and

24 (2) submits a project proposal to the Secretary.

25 (c) PROJECT PROPOSALS.—Each project proposal  
26 shall—

1           (1) demonstrate that the project will enhance  
2           the conservation of neotropical migratory birds in  
3           Latin America, the Caribbean, or the United States  
4           by focusing on reversing habitat loss and degrada-  
5           tion;

6           (2) include mechanisms to ensure adequate  
7           local public participation in project development and  
8           implementation;

9           (3) contain assurances that the project will be  
10          implemented in consultation with appropriate local  
11          and other government officials with jurisdiction over  
12          the resources addressed by the project;

13          (4) demonstrate sensitivity to local historic and  
14          cultural resources and comply with applicable laws;  
15          and

16          (5) provide any other information that the Sec-  
17          retary considers to be necessary for evaluating the  
18          proposal.

19          (d) PROJECT SUSTAINABILITY.—To the maximum  
20          extent practicable, each project shall aim to support or es-  
21          tablish such structures as are necessary to ensure achieve-  
22          ment of conservation objectives specified in this Act, in-  
23          cluding the long-term operation and maintenance of the  
24          project by local entities in the country in which the project  
25          is carried out.

1 (e) COST SHARING.—

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

5 (2) NON-FEDERAL SHARE.—

6 (A) PAYMENT BY UNITED STATES AND  
7 INTERNATIONAL ENTITIES.—Not less than 50  
8 percent of the non-Federal share of the costs of  
9 each project shall be covered by—

10 (i) United States nongovernmental or-  
11 ganizations;

12 (ii) international nongovernmental or-  
13 ganizations;

14 (iii) States of the United States and  
15 other United States non-Federal entities;  
16 and

17 (iv) corporations, business interests,  
18 and other private entities.

19 (B) PAYMENT BY LOCAL ENTITIES.—In  
20 addition to the non-Federal share provided  
21 under subparagraph (A), the entity submitting  
22 the proposal for a project to be assisted under  
23 this Act shall obtain matching support from  
24 local entities in the country in which the project  
25 is carried out, including corporations and busi-



1           ness interests, sufficient to pay not less than 50  
2           percent of the non-Federal share of the costs of  
3           the project.

4           (C) FORM OF PAYMENT BY UNITED  
5           STATES AND INTERNATIONAL ENTITIES.—In  
6           the case of a project submitted by an entity in  
7           the United States, the non-Federal share shall  
8           be paid in cash. In the case of a project submit-  
9           ted by any other entity, the non-Federal share  
10          may be provided in the form of cash or in-kind  
11          contributions.

12 **SEC. 5. NEOTROPICAL MIGRATORY BIRD ADVISORY COM-**  
13 **MITTEE.**

14          (a) ESTABLISHMENT.—There is established a  
15 Neotropical Migratory Bird Advisory Committee (referred  
16 to in this Act as the “Committee”) to assist in carrying  
17 out this Act.

18          (b) MEMBERSHIP.—

19           (1) VOTING MEMBERS.—The Committee shall  
20          have 14 voting members, appointed as follows:

21           (A) 8 members appointed by the Secretary,  
22           1 of whom shall be designated by the Secretary  
23           to chair the Committee. Six of the members ap-  
24           pointed under this subparagraph shall be ap-  
25           pointed from individuals representing non-Fed-

1 eral entities having a strong interest in  
2 neotropical bird conservation. Members ap-  
3 pointed under this subparagraph shall serve a  
4 term of 2 years. Appointments under this sub-  
5 paragraph shall be rotated among various non-  
6 Federal entities.

7 (B) 1 member appointed by the Inter-  
8 national Association of Fish and Wildlife Agen-  
9 cies, who shall not be required to be an officer  
10 or employee of the Association.

11 (C) 1 member appointed by the National  
12 Fish and Wildlife Foundation established by the  
13 National Fish and Wildlife Foundation Estab-  
14 lishment Act (16 U.S.C. 3701 et seq.), who  
15 shall not be required to be an officer or em-  
16 ployee of the Foundation.

17 (D) 1 member appointed by the Speaker of  
18 the House of Representatives.

19 (E) 1 member appointed by the Majority  
20 Leader of the Senate.

21 (F) 1 member appointed by the Director of  
22 the Agency for International Development.

23 (G) 1 member appointed by the Secretary  
24 of State.

1           (2) NONVOTING MEMBER.—The Secretary shall  
2           ensure that one representative of Canada is allowed  
3           to attend meetings of the Committee as an observer.

4           (A) IN GENERAL.—The Committee shall  
5           include 3 nonvoting members appointed by the  
6           Director of the United States Fish and Wildlife  
7           Service, each of whom—

8                   (i) is a native and resident of Latin  
9                   America or the Caribbean; and

10                   (ii) is actively involved in local con-  
11                   servation efforts in Latin America or the  
12                   Caribbean.

13           (B) CONDITIONS OF SERVICE AS MEM-  
14           BER.—The member described in subparagraph  
15           (A) shall serve in an advisory capacity and for  
16           a 2-year term.

17           (c) DUTIES.—The Committee shall—

18                   (1) assist in the development of guidelines for  
19                   the solicitation of proposals for projects eligible for  
20                   financial assistance under section 4;

21                   (2) promote participation in the program estab-  
22                   lished under section 4 by public and private non-  
23                   Federal entities;

24                   (3) review and recommend to the Secretary pro-  
25                   posals for financial assistance that meet the require-

1       ments specified in section 4 and any other criteria  
2       established by the Committee; and

3               (4) coordinate and facilitate grant processes  
4       under this Act among entities involved in neotropical  
5       bird conservation.

6       (d) MEETINGS.—The Committee shall hold such  
7       meetings as are necessary to carry out the duties of the  
8       Committee.

9       (e) COMPENSATION.—

10              (1) IN GENERAL.—Subject to paragraph (2), a  
11       member of the Committee shall not receive any com-  
12       pensation for the service of the member on the Com-  
13       mittee.

14              (2) TRAVEL EXPENSES.—A member of the  
15       Committee shall be allowed travel expenses, includ-  
16       ing per diem in lieu of subsistence, at rates author-  
17       ized for employees of agencies under subchapter I of  
18       chapter 57 of title 5, United States Code, while  
19       away from the home or regular place of business of  
20       the member in the performance of services for the  
21       Committee.

22       (f) ELIGIBILITY FOR FINANCIAL ASSISTANCE.—An  
23       entity represented by a member of the Committee shall  
24       not be eligible to receive financial assistance under this  
25       Act.

1 **SEC. 6. DUTIES OF SECRETARY.**

2 (a) ASSISTANCE TO COMMITTEE.—The Secretary  
3 shall facilitate consideration of projects described in sec-  
4 tion 4(a) by the Committee and otherwise assist the Com-  
5 mittee in carrying out its duties under this Act.

6 (b) OTHER DUTIES.—In carrying out this Act, the  
7 Secretary shall—

8 (1) develop and oversee agreements to provide  
9 financial assistance under section 4;

10 (2) seek cooperators described in section 7;

11 (3) translate documents into Spanish as nec-  
12 essary; and

13 (4) generally manage implementation of this  
14 Act.

15 (c) FUNDING.—The Secretary may use funds de-  
16 scribed in section 9(b) to carry out this section.

17 **SEC. 7. COOPERATION.**

18 In carrying out this Act, the Secretary shall cooperate  
19 with appropriate entities, including—

20 (1) appropriate officials in countries where  
21 projects authorized by this Act are proposed to be  
22 carried out or are being carried out;

23 (2) the heads of other Federal agencies; and

24 (3) entities carrying out, as of the date of en-  
25 actment of this Act, initiatives that support bird  
26 conservation in Latin America and the Caribbean,

1       such as Partners in Flight, the North American Wa-  
2       terfowl Management Plan, the Western Hemisphere  
3       Shorebird Reserve Network, Winged Ambassadors,  
4       the Latin America small grants program of the  
5       American Bird Conservancy, and Wings of the  
6       Americas.

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

8       Not later than December 31, 2002, the Secretary  
9       shall submit to Congress a report on the results and effec-  
10      tiveness of the program carried out under this Act, includ-  
11      ing recommendations concerning how the Act might be im-  
12      proved and whether the program should be continued.

13      **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

14      (a) **IN GENERAL.**—There is authorized to be appro-  
15      priated to carry out this Act \$4,000,000 for each of fiscal  
16      years 1999 through 2001, to remain available until ex-  
17      pended.

18      (b) **ADMINISTRATIVE EXPENSES.**—For each fiscal  
19      year, of the amounts made available to carry out this Act  
20      under subsection (a), the Secretary may use not more than  
21      10 percent to pay administrative expenses incurred in car-  
22      rying out this Act.

○