

105TH CONGRESS
2D SESSION

S. 1970

AN ACT

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”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) of the nearly 800 bird species known to
4 occur in the United States, approximately 500 mi-
5 grate among countries, and the large majority of
6 those species, the neotropical migrants, winter in
7 Latin America and the Caribbean;

8 (2) neotropical migratory bird species provide
9 invaluable environmental, economic, recreational,
10 and aesthetic benefits to the United States, as well
11 as to the Western Hemisphere;

12 (3)(A) many neotropical migratory bird popu-
13 lations, once considered common, are in decline, and
14 some have declined to the point that their long-term
15 survival in the wild is in jeopardy; and

16 (B) the primary reason for the decline in the
17 populations of those species is habitat loss and deg-
18 radation (including pollution and contamination)
19 across the species' range; and

20 (4)(A) because neotropical migratory birds
21 range across numerous international borders each
22 year, their conservation requires the commitment
23 and effort of all countries along their migration
24 routes; and

25 (B) although numerous initiatives exist to con-
26 serve migratory birds and their habitat, those initia-

1 tives can be significantly strengthened and enhanced
2 by increased coordination.

3 **SEC. 3. PURPOSES.**

4 The purposes of this Act are—

5 (1) to perpetuate healthy populations of
6 neotropical migratory birds;

7 (2) to assist in the conservation of neotropical
8 migratory birds by supporting conservation initia-
9 tives in the United States, Latin America, and the
10 Caribbean; and

11 (3) to provide financial resources and to foster
12 international cooperation for those initiatives.

13 **SEC. 4. DEFINITIONS.**

14 In this Act:

15 (1) ACCOUNT.—The term “Account” means the
16 Neotropical Migratory Bird Conservation Account
17 established by section 9(a).

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

24 (A) protection and management of
25 neotropical migratory bird populations;

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

4 (C) research and monitoring;

5 (D) law enforcement; and

6 (E) community outreach and education.

7 (3) SECRETARY.—The term “Secretary” means
8 the Secretary of the Interior.

9 **SEC. 5. FINANCIAL ASSISTANCE.**

10 (a) IN GENERAL.—The Secretary shall establish a
11 program to provide financial assistance for projects to pro-
12 mote the conservation of neotropical migratory birds.

13 (b) PROJECT APPLICANTS.—A project proposal may
14 be submitted by—

15 (1) an individual, corporation, partnership,
16 trust, association, or other private entity;

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

21 (3) a State, municipality, or political subdivi-
22 sion of a State;

23 (4) any other entity subject to the jurisdiction
24 of the United States or of any foreign country; and

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

4 (c) PROJECT PROPOSALS.—To be considered for fi-
5 nancial assistance for a project under this Act, an appli-
6 cant shall submit a project proposal that—

7 (1) includes—

8 (A) the name of the individual responsible
9 for the project;

10 (B) a succinct statement of the purposes of
11 the project;

12 (C) a description of the qualifications of
13 individuals conducting the project; and

14 (D) an estimate of the funds and time nec-
15 essary to complete the project, including
16 sources and amounts of matching funds;

17 (2) demonstrates that the project will enhance
18 the conservation of neotropical migratory bird spe-
19 cies in Latin America, the Caribbean, or the United
20 States;

21 (3) includes mechanisms to ensure adequate
22 local public participation in project development and
23 implementation;

24 (4) contains assurances that the project will be
25 implemented in consultation with relevant wildlife

1 management authorities and other appropriate gov-
2 ernment officials with jurisdiction over the resources
3 addressed by the project;

4 (5) demonstrates sensitivity to local historic and
5 cultural resources and complies with applicable laws;

6 (6) describes how the project will promote sus-
7 tainable, effective, long-term programs to conserve
8 neotropical migratory birds; and

9 (7) provides any other information that the Sec-
10 retary considers to be necessary for evaluating the
11 proposal.

12 (d) PROJECT REPORTING.—Each recipient of assist-
13 ance for a project under this Act shall submit to the Sec-
14 retary such periodic reports as the Secretary considers to
15 be necessary. Each report shall include all information re-
16 quired by the Secretary for evaluating the progress and
17 outcome of the project.

18 (e) COST SHARING.—

19 (1) FEDERAL SHARE.—The Federal share of
20 the cost of each project shall be not greater than 33
21 percent.

22 (2) NON-FEDERAL SHARE.—

23 (A) SOURCE.—The non-Federal share re-
24 quired to be paid for a project shall not be de-
25 rived from any Federal grant program.

1 (B) FORM OF PAYMENT.—

2 (i) PROJECTS IN THE UNITED
3 STATES.—The non-Federal share required
4 to be paid for a project carried out in the
5 United States shall be paid in cash.

6 (ii) PROJECTS IN FOREIGN COUN-
7 TRIES.—The non-Federal share required to
8 be paid for a project carried out in a for-
9 eign country may be paid in cash or in
10 kind.

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

12 In carrying out this Act, the Secretary shall—

13 (1) develop guidelines for the solicitation of pro-
14 posals for projects eligible for financial assistance
15 under section 5;

16 (2) encourage submission of proposals for
17 projects eligible for financial assistance under sec-
18 tion 5, particularly proposals from relevant wildlife
19 management authorities;

20 (3) select proposals for financial assistance that
21 satisfy the requirements of section 5, giving pref-
22 erence to proposals that address conservation needs
23 not adequately addressed by existing efforts and that
24 are supported by relevant wildlife management au-
25 thorities; and

1 (4) generally implement this Act in accordance
2 with its purposes.

3 **SEC. 7. COOPERATION.**

4 (a) IN GENERAL.—In carrying out this Act, the Sec-
5 retary shall—

6 (1) support and coordinate existing efforts to
7 conserve neotropical migratory bird species,
8 through—

9 (A) facilitating meetings among persons in-
10 volved in such efforts;

11 (B) promoting the exchange of information
12 among such persons;

13 (C) developing and entering into agree-
14 ments with other Federal agencies, foreign,
15 State, and local governmental agencies, and
16 nongovernmental organizations; and

17 (D) conducting such other activities as the
18 Secretary considers to be appropriate; and

19 (2) coordinate activities and projects under this
20 Act with existing efforts in order to enhance con-
21 servation of neotropical migratory bird species.

22 (b) ADVISORY GROUP.—

23 (1) IN GENERAL.—To assist in carrying out
24 this Act, the Secretary may convene an advisory
25 group consisting of individuals representing public

1 and private organizations actively involved in the
2 conservation of neotropical migratory birds.

3 (2) PUBLIC PARTICIPATION.—

4 (A) MEETINGS.—The advisory group
5 shall—

6 (i) ensure that each meeting of the
7 advisory group is open to the public; and

8 (ii) provide, at each meeting, an op-
9 portunity for interested persons to present
10 oral or written statements concerning
11 items on the agenda.

12 (B) NOTICE.—The Secretary shall provide
13 to the public timely notice of each meeting of
14 the advisory group.

15 (C) MINUTES.—Minutes of each meeting
16 of the advisory group shall be kept by the Sec-
17 retary and shall be made available to the public.

18 (3) EXEMPTION FROM FEDERAL ADVISORY
19 COMMITTEE ACT.—The Federal Advisory Committee
20 Act (5 U.S.C. App.) shall not apply to the advisory
21 group.

22 **SEC. 8. REPORT TO CONGRESS.**

23 Not later than October 1, 2002, the Secretary shall
24 submit to Congress a report on the results and effective-
25 ness of the program carried out under this Act, including

1 recommendations concerning how the Act might be im-
2 proved and whether the program should be continued.

3 **SEC. 9. NEOTROPICAL MIGRATORY BIRD CONSERVATION**
4 **ACCOUNT.**

5 (a) ESTABLISHMENT.—There is established in the
6 Multinational Species Conservation Fund of the Treasury
7 a separate account to be known as the “Neotropical Mi-
8 gratory Bird Conservation Account”, which shall consist
9 of amounts deposited into the Account by the Secretary
10 of the Treasury under subsection (b).

11 (b) DEPOSITS INTO THE ACCOUNT.—The Secretary
12 of the Treasury shall deposit into the Account—

13 (1) all amounts received by the Secretary in the
14 form of donations under subsection (d); and

15 (2) other amounts appropriated to the Account.

16 (c) USE.—

17 (1) IN GENERAL.—Subject to paragraph (2),
18 the Secretary may use amounts in the Account,
19 without further Act of appropriation, to carry out
20 this Act.

21 (2) ADMINISTRATIVE EXPENSES.—Of amounts
22 in the Account available for each fiscal year, the
23 Secretary may expend not more than 6 percent to
24 pay the administrative expenses necessary to carry
25 out this Act.

1 (d) ACCEPTANCE AND USE OF DONATIONS.—The
2 Secretary may accept and use donations to carry out this
3 Act. Amounts received by the Secretary in the form of do-
4 nations shall be transferred to the Secretary of the Treas-
5 ury for deposit into the Account.

6 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

7 There is authorized to be appropriated to the Account
8 to carry out this Act \$8,000,000 for each of fiscal years
9 1999 through 2002, to remain available until expended,
10 of which not less than 50 percent of the amounts made
11 available for each fiscal year shall be expended for projects
12 carried out outside the United States.

Passed the Senate October 8 (legislative day, Octo-
ber 2), 1998.

Attest:

Secretary.

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