

**Calendar No. 322**

106TH CONGRESS  
1ST SESSION

**H.R. 2454**

**[Report No. 106-188]**

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## **A BILL**

To assure the long-term conservation of mid-continent light geese and the biological diversity of the ecosystem upon which many North American migratory birds depend, by directing the Secretary of the Interior to implement rules to reduce the overabundant population of mid-continent light geese.

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OCTOBER 14, 1999

Reported with amendments and an amendment to the  
title

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IN THE SENATE OF THE UNITED STATES

AUGUST 3, 1999

Received; read twice and referred to the Committee on Environment and  
Public Works

OCTOBER 14, 1999

Reported by Mr. CHAFEE, with amendments and an amendment to the title  
[Omit the part struck through and insert the part printed in *italic*]

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**AN ACT**

To assure the long-term conservation of mid-continent light geese and the biological diversity of the ecosystem upon which many North American migratory birds depend, by directing the Secretary of the Interior to implement rules to reduce the overabundant population of mid-continent light geese.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       ***TITLE I—ARCTIC TUNDRA HABI-***  
4       ***TAT EMERGENCY CONSERVA-***  
5       ***TION***

6       ~~SECTION 1.~~ ***SEC. 101. SHORT TITLE.***

7       This ~~Act~~ *title* may be cited as the “Arctic Tundra  
8       Habitat Emergency Conservation Act”.

9       ~~SEC. 2.~~ ***SEC. 102. FINDINGS AND PURPOSES.***

10       (a) FINDINGS.—The Congress finds the following:

11               (1) The winter index population of mid-con-  
12       tinent light geese was 800,000 birds in 1969, while  
13       the total population of such geese is more than  
14       5,200,000 birds today.

15               (2) The population of mid-continent light geese  
16       is expanding by over 5 percent each year, and in the  
17       absence of new wildlife management actions it could  
18       grow to more than 6,800,000 breeding light geese in  
19       3 years.

20               (3) The primary reasons for this unprecedented  
21       population growth are—

22                       (A) the expansion of agricultural areas and  
23       the resulting abundance of cereal grain crops in  
24       the United States;

1 (B) the establishment of sanctuaries along  
2 the United States flyways of migrating light  
3 geese; and

4 (C) a decline in light geese harvest rates.

5 (4) As a direct result of this population explo-  
6 sion, the Hudson Bay Lowlands Salt-Marsh eco-  
7 system in Canada is being systematically destroyed.  
8 This ecosystem contains approximately 135,000  
9 acres of essential habitat for migrating light geese  
10 and many other avian species. Biologists have testi-  
11 fied that one-third of this habitat has been de-  
12 stroyed, one-third is on the brink of devastation, and  
13 the remaining one-third is overgrazed.

14 (5) The destruction of the Arctic tundra is hav-  
15 ing a severe negative impact on many avian species  
16 that breed or migrate through this habitat, including  
17 the following:

18 (A) Canada Goose.

19 (B) American Wigeon.

20 (C) Dowitcher.

21 (D) Hudsonian Godwit.

22 (E) Stilt Sandpiper.

23 (F) Northern Shoveler.

24 (G) Red-Breasted Merganser.

25 (H) Oldsquaw.

1 (I) Parasitic Jaeger.

2 (J) Whimbrel.

3 (K) Yellow Rail.

4 (6) It is essential that the current population of  
5 mid-continent light geese be reduced by 50 percent  
6 by the year 2005 to ensure that the fragile Arctic  
7 tundra is not irreversibly damaged.

8 (b) PURPOSES.—The purposes of this ~~Act~~ *title* are  
9 the following:

10 (1) To reduce the population of mid-continent  
11 light geese.

12 (2) To assure the long-term conservation of  
13 mid-continent light geese and the biological diversity  
14 of the ecosystem upon which many North American  
15 migratory birds depend.

16 ~~SEC. 3.~~ **SEC. 103. FORCE AND EFFECT OF RULES TO CON-**  
17 **TROL OVERABUNDANT MID-CONTINENT**  
18 **LIGHT GEESE POPULATIONS.**

19 (a) FORCE AND EFFECT.—

20 (1) IN GENERAL.—The rules published by the  
21 Service on February 16, 1999, relating to use of ad-  
22 ditional hunting methods to increase the harvest of  
23 mid-continent light geese (64 Fed. Reg. 7507–7517)  
24 and the establishment of a conservation order for  
25 the reduction of mid-continent light goose popu-

1       lations (64 Fed. Reg. 7517–7528), shall have the  
2       force and effect of law.

3           (2) PUBLIC NOTICE.—The Secretary, acting  
4       through the Director of the Service, shall take such  
5       action as is necessary to appropriately notify the  
6       public of the force and effect of the rules referred  
7       to in paragraph (1).

8       (b) APPLICATION.—Subsection (a) shall apply only  
9       during the period that—

10           (1) begins on the date of the enactment of this  
11       Act; and

12           (2) ends on the latest of—

13               (A) the effective date of rules issued by the  
14       Service after such date of enactment to control  
15       overabundant mid-continent light geese popu-  
16       lations;

17               (B) the date of the publication of a final  
18       environmental impact statement for such rules  
19       under section 102(2)(C) of the National Envi-  
20       ronmental Policy Act of 1969 (42 U.S.C.  
21       4332(2)(C)); and

22               (C) May 15, 2001.

23       (c) RULE OF CONSTRUCTION.—This section shall not  
24       be construed to limit the authority of the Secretary or the

1 Service to issue rules, under another law, to regulate the  
2 taking of mid-continent light geese.

3 **SEC. 4. DEFINITIONS.**

4 **SEC. 104. COMPREHENSIVE MANAGEMENT PLAN.**

5       (a) *IN GENERAL.*—Not later than the end of the period  
6 described in section 103(b), the Secretary shall prepare, and  
7 as appropriate implement, a comprehensive, long-term plan  
8 for the management of mid-continent light geese and the  
9 conservation of their habitat.

10       (b) *REQUIRED ELEMENTS.*—The plan shall apply  
11 principles of adaptive resource management and shall  
12 include—

13               (1) *a description of methods for monitoring the*  
14 *levels of populations and the levels of harvest of mid-*  
15 *continent light geese, and recommendations con-*  
16 *cerning long-term harvest levels;*

17               (2) *recommendations concerning other means for*  
18 *the management of mid-continent light goose popu-*  
19 *lations, taking into account the reasons for the popu-*  
20 *lation growth specified in section 102(a)(3);*

21               (3) *an assessment of, and recommendations re-*  
22 *lating to, conservation of the breeding habitat of mid-*  
23 *continent light geese;*

24               (4) *an assessment of, and recommendations re-*  
25 *lating to, conservation of native species of wildlife ad-*

1        *versely affected by the overabundance of mid-con-*  
 2        *tinental light geese, including the species specified in*  
 3        *section 102(a)(5); and*

4                *(5) an identification of methods for promoting*  
 5        *collaboration with the government of Canada, States,*  
 6        *and other interested persons.*

7        *(c) AUTHORIZATION OF APPROPRIATIONS.—There is*  
 8        *authorized to be appropriated to carry out this section*  
 9        *\$1,000,000 for each of fiscal years 2000 through 2002.*

10    **SEC. 105. DEFINITIONS.**

11        In this ~~Act~~ title:

12                (1) MID-CONTINENT LIGHT GEESE.—The term  
 13        “mid-continent light geese” means Lesser snow  
 14        geese (*Anser caerulescens caerulescens*) and Ross’  
 15        geese (*Anser rossii*) that primarily migrate between  
 16        Canada and the States of Alabama, Arkansas, Colo-  
 17        rado, Illinois, Indiana, Iowa, Kansas, Kentucky,  
 18        Louisiana, Michigan, Minnesota, Mississippi, Mis-  
 19        souri, Montana, Nebraska, New Mexico, North Da-  
 20        kota, Ohio, Oklahoma, South Dakota, Tennessee,  
 21        Texas, Wisconsin, and Wyoming.

22                (2) SECRETARY.—The term “Secretary” means  
 23        the Secretary of the Interior.

24                (3) SERVICE.—The term “Service” means the  
 25        United States Fish and Wildlife Service.



1 **TITLE II—NEOTROPICAL MIGRA-**  
2 **TORY BIRD CONSERVATION**

3 **SEC. 201. SHORT TITLE.**

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

6 **SEC. 202. FINDINGS.**

7 *Congress finds that—*

8 *(1) of the nearly 800 bird species known to occur*  
9 *in the United States, approximately 500 migrate*  
10 *among countries, and the large majority of those spe-*  
11 *cies, the neotropical migrants, winter in Latin Amer-*  
12 *ica and the Caribbean;*

13 *(2) neotropical migratory bird species provide*  
14 *invaluable environmental, economic, recreational, and*  
15 *aesthetic benefits to the United States, as well as to*  
16 *the Western Hemisphere;*

17 *(3)(A) many neotropical migratory bird popu-*  
18 *lations, once considered common, are in decline, and*  
19 *some have declined to the point that their long-term*  
20 *survival in the wild is in jeopardy; and*

21 *(B) the primary reason for the decline in the*  
22 *populations of those species is habitat loss and deg-*  
23 *radation (including pollution and contamination)*  
24 *across the species’ range; and*

1           (4)(A) because neotropical migratory birds range  
2 across numerous international borders each year,  
3 their conservation requires the commitment and effort  
4 of all countries along their migration routes; and

5           (B) although numerous initiatives exist to con-  
6 serve migratory birds and their habitat, those initia-  
7 tives can be significantly strengthened and enhanced  
8 by increased coordination.

9 **SEC. 203. PURPOSES.**

10       *The purposes of this title are—*

11           (1) to perpetuate healthy populations of  
12 neotropical migratory birds;

13           (2) to assist in the conservation of neotropical  
14 migratory birds by supporting conservation initia-  
15 tives in the United States, Latin America, and the  
16 Caribbean; and

17           (3) to provide financial resources and to foster  
18 international cooperation for those initiatives.

19 **SEC. 204. DEFINITIONS.**

20       *In this title:*

21           (1) **ACCOUNT.**—*The term “Account” means the*  
22 *Neotropical Migratory Bird Conservation Account es-*  
23 *tablished by section 209(a).*

24           (2) **CONSERVATION.**—*The term “conservation”*  
25 *means the use of methods and procedures necessary to*

1       *bring a species of neotropical migratory bird to the*  
 2       *point at which there are sufficient populations in the*  
 3       *wild to ensure the long-term viability of the species,*  
 4       *including—*

5               *(A) protection and management of*  
 6               *neotropical migratory bird populations;*

7               *(B) maintenance, management, protection,*  
 8               *and restoration of neotropical migratory bird*  
 9               *habitat;*

10              *(C) research and monitoring;*

11              *(D) law enforcement; and*

12              *(E) community outreach and education.*

13              *(3) SECRETARY.—The term “Secretary” means*  
 14       *the Secretary of the Interior.*

15   **SEC. 205. FINANCIAL ASSISTANCE.**

16       *(a) IN GENERAL.—The Secretary shall establish a pro-*  
 17       *gram to provide financial assistance for projects to promote*  
 18       *the conservation of neotropical migratory birds.*

19       *(b) PROJECT APPLICANTS.—A project proposal may be*  
 20       *submitted by—*

21              *(1) an individual, corporation, partnership,*  
 22              *trust, association, or other private entity;*

23              *(2) an officer, employee, agent, department, or*  
 24              *instrumentality of the Federal Government, of any*

1       *State, municipality, or political subdivision of a*  
2       *State, or of any foreign government;*

3             (3) *a State, municipality, or political subdivi-*  
4       *sion of a State;*

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

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

10       (c) *PROJECT PROPOSALS.—To be considered for finan-*  
11       *cial assistance for a project under this title, an applicant*  
12       *shall submit a project proposal that—*

13             (1) *includes—*

14                 (A) *the name of the individual responsible*  
15                 *for the project;*

16                 (B) *a succinct statement of the purposes of*  
17                 *the project;*

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

20                 (D) *an estimate of the funds and time nec-*  
21                 *essary to complete the project, including sources*  
22                 *and amounts of matching funds;*

23             (2) *demonstrates that the project will enhance*  
24       *the conservation of neotropical migratory bird species*

1       *in Latin America, the Caribbean, or the United*  
2       *States;*

3               *(3) includes mechanisms to ensure adequate local*  
4       *public participation in project development and im-*  
5       *plementation;*

6               *(4) contains assurances that the project will be*  
7       *implemented in consultation with relevant wildlife*  
8       *management authorities and other appropriate gov-*  
9       *ernment officials with jurisdiction over the resources*  
10       *addressed by the project;*

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

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

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

19       *(d) PROJECT REPORTING.—Each recipient of assist-*  
20       *ance for a project under this title shall submit to the Sec-*  
21       *retary such periodic reports as the Secretary considers to*  
22       *be necessary. Each report shall include all information re-*  
23       *quired by the Secretary for evaluating the progress and out-*  
24       *come of the project.*

25       *(e) COST SHARING.—*

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

4           (2) *NON-FEDERAL SHARE.*—

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

8                 (B) *FORM OF PAYMENT.*—

9                         (i) *PROJECTS IN THE UNITED*  
 10                        *STATES.*—*The non-Federal share required to*  
 11                        *be paid for a project carried out in the*  
 12                        *United States shall be paid in cash.*

13                       (ii) *PROJECTS IN FOREIGN COUN-*  
 14                        *TRIES.*—*The non-Federal share required to*  
 15                        *be paid for a project carried out in a for-*  
 16                        *ign country may be paid in cash or in*  
 17                        *kind.*

18 **SEC. 206. DUTIES OF THE SECRETARY.**

19           *In carrying out this title, the Secretary shall—*

20                 (1) *develop guidelines for the solicitation of pro-*  
 21                 *posals for projects eligible for financial assistance*  
 22                 *under section 205;*

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

1       205, particularly proposals from relevant wildlife  
2       management authorities;

3               (3) select proposals for financial assistance that  
4       satisfy the requirements of section 205, giving pref-  
5       erence to proposals that address conservation needs  
6       not adequately addressed by existing efforts and that  
7       are supported by relevant wildlife management au-  
8       thorities; and

9               (4) generally implement this title in accordance  
10      with its purposes.

11 **SEC. 207. COOPERATION.**

12       (a) *IN GENERAL.*—In carrying out this title, 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                   title with existing efforts in order to enhance con-  
5                   servation of neotropical migratory bird species.

6                   (b) *ADVISORY GROUP.*—

7                   (1) *IN GENERAL.*—To assist in carrying out this  
8                   title, the Secretary may convene an advisory group  
9                   consisting of individuals representing public and pri-  
10                  vate organizations actively involved in the conserva-  
11                  tion of neotropical migratory birds.

12                  (2) *PUBLIC PARTICIPATION.*—

13                  (A) *MEETINGS.*—The advisory group  
14                  shall—

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

17                         (ii) provide, at each meeting, an op-  
18                         portunity for interested persons to present  
19                         oral or written statements concerning items  
20                         on the agenda.

21                  (B) *NOTICE.*—The Secretary shall provide  
22                  to the public timely notice of each meeting of the  
23                  advisory group.



1                   (C) *MINUTES.*—*Minutes of each meeting of*  
 2                   *the advisory group shall be kept by the Secretary*  
 3                   *and shall be made available to the public.*

4                   (3) *EXEMPTION FROM FEDERAL ADVISORY COM-*  
 5                   *MITTEE ACT.*—*The Federal Advisory Committee Act*  
 6                   *(5 U.S.C. App.) shall not apply to the advisory*  
 7                   *group.*

8   **SEC. 208. REPORT TO CONGRESS.**

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

14   **SEC. 209. NEOTROPICAL MIGRATORY BIRD CONSERVATION**  
 15                  **ACCOUNT.**

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

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

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

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

2           (c) *USE.—*

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

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

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

16   **SEC. 210. AUTHORIZATION OF APPROPRIATIONS.**

17          *There is authorized to be appropriated to the Account*  
 18          *to carry out this title \$8,000,000 for each of fiscal years*  
 19          *2000 through 2003, to remain available until expended, of*  
 20          *which not less than 50 percent of the amounts made avail-*  
 21          *able for each fiscal year shall be expended for projects car-*  
 22          *ried out outside the United States.*

Amend the title so as to read: “An Act to assure the  
 long-term conservation of mid-continent light geese and

the biological diversity of the ecosystem upon which many North American migratory birds depend, by directing the Secretary of the Interior to implement rules to reduce the overabundant population of mid-continent light geese, and to require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds.”.