

109TH CONGRESS  
1ST SESSION

# H. R. 518

To require the Secretary of the Interior to refine the Department of the Interior program for providing assistance for the conservation of neotropical migratory birds.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 2, 2005

Mr. KIND (for himself and Mr. GILCREST) 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 refine the Department of the Interior program for providing assistance for 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 Improvement Act of 2005”.

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

8 (a) FINDINGS.—Section 2(1) of the Neotropical Mi-  
9 gratory Bird Conservation Act (16 U.S.C. 6101(1)) is

1 amended by inserting “but breed in Canada and the  
2 United States” after “the Caribbean”.

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

6 (c) DEFINITION OF CARIBBEAN.—Section 4 of the  
7 Neotropical Migratory Bird Conservation Act is amended  
8 by redesignating paragraphs (2) and (3) in order or para-  
9 graphs (3) and (4), and by inserting paragraph (1) the  
10 following:

11 “(2) CARIBBEAN.—The term ‘Caribbean’ in-  
12 cludes Puerto Rico and the United States Virgin Is-  
13 lands”.

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

17 (1) in paragraph (1) by striking “25 percent”  
18 and inserting “50 percent”; and

19 (2) in paragraph (2) by amending subpara-  
20 graph (B) to read as follows:

21 “(B) FORM OF PAYMENT.—

22 “(i) PROJECTS IN THE UNITED  
23 STATES AND CANADA.—The non-Federal  
24 share required to be paid for a project car-

1                   ried out in the United States or Canada  
2                   shall be paid in cash.

3                   “(ii) PROJECTS IN LATIN AMERICA  
4                   AND THE CARIBBEAN.—The non-Federal  
5                   share required to be paid for a project car-  
6                   ried out in Latin America or the Caribbean  
7                   may be paid in cash or in kind.”.

8                   (e) ADVISORY GROUP.—

9                   (1) REQUIREMENT TO CONVENE.—Section  
10                  7(b)(1) of the Neotropical Migratory Bird Conserva-  
11                  tion Act (16 U.S.C. 6106(b)(1)) is amended by  
12                  striking “may” and inserting “shall”.

13                  (2) DEADLINE.—The Secretary of the Interior  
14                  shall convene an advisory group pursuant to the  
15                  amendment made by paragraph (1) by not later  
16                  than 6 months after the effective date of this Act.  
17                  Notwithstanding the preceding sentence, the sched-  
18                  ule previously established by the United States Fish  
19                  and Wildlife Service for the submission, judging, and  
20                  awarding of grants shall not be delayed by virtue of  
21                  the convening of the advisory group.

22                  (3) COMPOSITION.—The advisory group as a  
23                  whole shall have expertise in the methods and proce-  
24                  dures set forth in section 4(2) of the Neotropical Mi-  
25                  gratory Bird Conservation Act (16 U.S.C 6103(2))

1 in each country and region of the Western Hemi-  
2 sphere.

3 (4) FEDERAL ADVISORY COMMITTEE ACT.—The  
4 provisions of the Federal Advisory Committee Act (5  
5 U.S.C. App.) shall not apply to the advisory com-  
6 mittee required by the amendment made by para-  
7 graph (1).

8 (f) REPORT.—Section 8 of the Neotropical Migratory  
9 Bird Conservation Act (16 U.S.C. 6107) is amended by  
10 striking “October 1, 2002,” and inserting “2 years after  
11 the date of the enactment of the Neotropical Migratory  
12 Bird Conservation Improvement Act of 2005”.

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

15 (1) IN GENERAL.—Section 9 of the Neotropical  
16 Migratory Bird Conservation Act (16 U.S.C. 6108)  
17 is amended by striking so much as precedes sub-  
18 section (c) and inserting the following:

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

21 “(a) ESTABLISHMENT.—There is established in the  
22 Treasury a separate account, which shall be known as the  
23 ‘Neotropical Migratory Bird Conservation Fund’. The  
24 Fund shall consist of amounts deposited into the Fund  
25 by the Secretary of the Treasury under subsection (b).

1       “(b) DEPOSITS INTO THE FUND.—The Secretary of  
2 the Treasury shall deposit into the Fund—

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

5               “(2) other amounts appropriated to the Fund.”.

6               (2) ADMINISTRATIVE EXPENSES.—Section  
7 9(c)(2) of the Neotropical Migratory Bird Conserva-  
8 tion Act (16 U.S.C. 6108(c)(2)) is amended by  
9 striking ‘\$80,000’ and inserting ‘\$150,000’.

10              (3) CONFORMING AMENDMENTS.—The  
11 Neotropical Migratory Bird Conservation Act is  
12 amended as follows:

13                      (A) In section 4 (16 U.S.C. 6103), by  
14 striking paragraph (1) and inserting the fol-  
15 lowing:

16                      “(1) FUND.—The term ‘Fund’ means the  
17 Neotropical Migratory Bird Conservation Fund es-  
18 tablished by section 9(a).”.

19                      (B) In section 9(d) (16 U.S.C. 6108(d)),  
20 by striking “Account” and inserting “Fund”.

21               (4) TRANSFER.—The Secretary of the Treasury  
22 may transfer to the Neotropical Migratory Bird Con-  
23 servation Fund amounts that were in the  
24 Neotropical Migratory Bird Conservation Account  
25 immediately before the enactment of this Act.

1 (h) AUTHORIZATION OF APPROPRIATIONS.—Section  
2 10 of the Neotropical Migratory Bird Conservation Act  
3 (16 U.S.C. 6109) is amended to read as follows:

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

5 “(a) IN GENERAL.—There is authorized to be appro-  
6 priated to the Fund to carry out this Act the following  
7 amounts:

8 “(1) \$5,000,000 for fiscal year 2006.

9 “(2) \$5,000,000 for fiscal year 2007.

10 “(3) \$10,000,000 for fiscal year 2008.

11 “(4) \$15,000,000 for fiscal year 2009.

12 “(b) AVAILABILITY.—Amounts appropriated under  
13 this section may remain available until expended.

14 “(c) ALLOCATION.—Of amounts appropriated under  
15 this section for each fiscal year, not less than 75 percent  
16 shall be expended for projects carried out outside the  
17 United States.

18 “(d) LIMITATION ON EXPENDITURES FOR PROJECTS  
19 IN CANADA.—Amounts appropriated under this section  
20 for a fiscal year may not be used for any project in Canada  
21 unless the amount available to carry out this Act for that  
22 fiscal year is greater than \$10,000,000.”.

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