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1st Session }

SENATE

{ REPORT
116-9

MIGRATORY BIRDS OF THE AMERICAS CONSERVATION ACT

MARCH 14, 2019.—Ordered to be printed

Mr. BARRASSO, from the Committee on Environment and Public
Works, submitted the following

R E P O R T

[To accompany S. 310]

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works, to which was referred the bill (S. 310) to amend the Neotropical Migratory Bird Conservation Act to reauthorize the Act, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

GENERAL STATEMENT AND BACKGROUND

Neotropical migratory birds are bird species that breed in North America and winter in the tropics. Some of these species are federally listed as threatened or endangered under the Endangered Species Act, and many are popular for bird watching. These birds also play an important role in pest control and pollination for agriculture.

The Neotropical Migratory Bird Conservation Act (NMBCA) provides grants to support conservation of migratory bird populations and fosters international cooperation for initiatives that will maintain healthy bird populations. Since 2002, the Act has provided over \$66 million in grant funding, along with \$250 million in matching funds from public and private partners—a match ratio of 3.8 to 1. These funds have gone to 570 projects in 36 countries and have benefited hundreds of species that breed in North America and live during the winter in Mexico, Central America, the Caribbean, or South America. According to the U.S. Fish and Wildlife

Service, projects funded through the NMCBA have benefited over 4.5 million acres of bird habitat.

Congress originally enacted the Neotropical Migratory Bird Conservation Act in 2000 and reauthorized it in 2006. The authorization level was \$5 million for each of fiscal years 2006 and 2007, \$5.5 million for fiscal year 2008, \$6 million for fiscal year 2009, and \$6.5 million for fiscal year 2010.

OBJECTIVES OF THE LEGISLATION

The objective of this legislation is to reauthorize appropriations for the Neotropical Migratory Bird Conservation Act and to ensure that three-quarters of the appropriated funds go to conservation projects located outside the United States.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This section states that this Act may be cited as the “Migratory Birds of the Americas Conservation Act”.

Section 2. Reauthorization of Neotropical Migratory Bird Conservation Act

Subsection (a) amends section 10 of the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6109) by authorizing \$6.5 million in appropriations to carry out the Act for each of fiscal years 2019 through 2023.

Subsection (b) requires that at least 75 percent of the funds made available under subsection (a) be used for projects carried out at a location outside the United States.

LEGISLATIVE HISTORY

On January 31, 2019, Senator Cardin introduced S. 310, the Migratory Birds of the Americas Conservation Act, with Senators Carper, Coons, Feinstein, Leahy, Markey, Merkley, Portman, Udall, Van Hollen, and Whitehouse as original cosponsors. The bill was referred to the Committee on Environment and Public Works.

The text of S. 310 is substantially similar to that of S. 1537, the Migratory Birds of the Americas Conservation Act. Senator Cardin introduced S. 1537 on July 12, 2017. Senators Carper, Coons, Feinstein, Leahy, Markey, Nelson, Portman, Udall, and Van Hollen were original cosponsors. Senators Markey and Whitehouse were sponsors. The EPW Committee reported S. 1537 without amendment by voice vote on September 18, 2018.

The text of S. 310 is also substantially similar to the text of section 6 of S. 1514, the Hunting Heritage and Environmental Legacy Preservation for Wildlife Act. Senator Barrasso introduced S. 1514 on June 29, 2017. Senators Baldwin, Boozman, Capito, Cardin, and Klobuchar were original cosponsors. Senators Crapo, Enzi, Inhofe, Johnson, Kennedy, and King were cosponsors. The EPW Committee held a hearing on S. 1514 on July 19, 2017. The EPW Committee ordered S. 1514 reported with an amendment in the nature of a substitute by a roll call vote of 14 ayes to 7 nays on July 26, 2017.

HEARINGS

A legislative hearing was not held on S. 310. As explained above, a legislative hearing was held on S. 1514 on July 19, 2017 during the 115th Congress.

ROLLCALL VOTES

On February 5, 2019, the Committee on Environment and Public Works met to consider S. 310. The EPW Committee reported S. 310 without amendment by voice vote. No roll call votes were taken.

REGULATORY IMPACT STATEMENT

In compliance with section 11(b) of rule XXVI of the Standing Rules of the Senate, the committee makes evaluation of the regulatory impact of the reported bill.

The bill does not create any additional regulatory burdens, nor will it cause any adverse impact on the personal privacy of individuals.

MANDATES ASSESSMENT

In compliance with the Unfunded Mandates Reform Act of 1995 (Public Law 104–4), the committee finds that S. 310 would impose no Federal intergovernmental unfunded mandates on State, local, or tribal governments.

S. 310 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA). The bill contains no new private-sector mandates as defined in UMRA.

COST OF LEGISLATION

Section 403 of the Congressional Budget and Impoundment Control Act requires that a statement of the cost of the reported bill, prepared by the Congressional Budget Office, be included in the report. That statement follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 28, 2019.

Hon. JOHN BARRASSO,
Chairman, Committee on Environment and Public Works,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 310, the Migratory Birds of the Americas Conservation Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Janani Shankaran.

Sincerely,

KEITH HALL,
Director.

Enclosure.

S. 310, Migratory Birds of the Americas Conservation Act				
As reported by the Senate Committee on Environment and Public Works on February 5, 2019				
Millions of Dollars	Net Direct Spending	Revenues	Net Deficit Effect	Spending Subject to Appropriation
2019	0	0	0	0
2019-2024	0	0	0	29
2019-2029	0	0	0	33
Pay-as-you-go procedures apply?	No	Mandate Effects		
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2030?	No	Contains intergovernmental mandate?		No
		Contains private-sector mandate?		No

S. 310 would authorize the appropriation of \$6.5 million annually over the 2020–2024 period for the U.S. Fish and Wildlife Service (USFWS) to provide grants for the conservation of neotropical migratory birds. In 2018, the USFWS received an appropriation of \$4 million for that purpose. Based on historical spending patterns, CBO estimates that implementing S. 310 would cost \$29 million over the 2019–2024 period and \$4 million after 2024, assuming appropriation of the authorized amounts.

The costs of the legislation, which are shown in detail in Table 1, fall within budget function 300 (natural resources and environment).

TABLE 1.—ESTIMATED INCREASES IN SPENDING SUBJECT TO APPROPRIATION UNDER S. 310

	By fiscal year, millions of dollars—						
	2019	2020	2021	2022	2023	2024	2019–2024
Authorization	0	7	7	7	7	7	33
Estimated Outlays	0	4	6	7	7	7	29

Components may not sum to totals because of rounding.

The CBO staff contact for this estimate is Janani Shankaran. The estimate was reviewed by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

CHANGES IN EXISTING LAW

In compliance with section 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill as reported are shown as follows: Existing law proposed to be omitted is enclosed in [black brackets], new matter is printed in *italic*, existing law in which no change is proposed is shown in roman:

* * * * *

Neotropical Migratory Bird Conservation Act

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[SEC. 10. [16 U.S.C. 6109] AUTHORIZATION OF APPROPRIATIONS.

[(a) IN GENERAL.—There is authorized to be appropriated to the Account to carry out this Act for each of fiscal years 2006 through 2010 the amount specified for that fiscal year in subsection (b), to

remain available until expended, of which not less than 75 percent of the amounts made available for each fiscal year shall be expended for projects carried out outside the United States.

[(b) AUTHORIZED AMOUNT.—The amount referred to in subsection (a) is—

- [(1) \$5,000,000 for each of fiscal years 2006 and 2007;
- [(2) \$5,500,000 for fiscal year 2008;
- [(3) \$6,000,000 for fiscal year 2009; and
- [(4) \$6,500,000 for fiscal year 2010.

[(c) AVAILABILITY.—Amounts appropriated under this section may remain available until expended.

[(d) ALLOCATION.—Of amounts appropriated under this section for each fiscal year, not less than 75 percent shall be expended for projects carried out outside the United States.]

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—*There is authorized to be appropriated to carry out this Act \$6,500,000 for each of fiscal years 2020 through 2024.*

(b) USE OF FUNDS.—*Of the amounts made available under subsection (a) for each fiscal year, not less than 75 percent shall be expended for projects carried out at a location outside of the United States.*

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