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SENATE

{ REPORT
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TO AMEND THE NEOTROPICAL MIGRATORY BIRD CONSERVATION ACT TO REAUTHORIZE THE ACT

MARCH 22 (legislative day, MARCH 19), 2010.—Ordered to be printed

Mrs. BOXER, from the Committee on Environment and Public
Works, submitted the following

R E P O R T

[To accompany S. 690]

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works, to which was referred a bill (S. 690) to reauthorize the Neotropical Migratory Bird Conservation Act, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

GENERAL STATEMENT AND BACKGROUND

In partnership with other government wildlife agencies and conservation groups, the U.S. Fish and Wildlife Service recently published a comprehensive report on the state of our nation's birds. The *State of the Birds 2009* documents that bird populations are in decline in many habitats across the United States, and in highly specialized habitats, such as Hawaii, we are on the verge of losing entire suites of unique birds and native plant communities. Currently, almost one-third of the over 800 species of birds in the United States are either federally listed as endangered or threatened, or are species of conservation concern—due to their small distribution, high threats or declining populations.

Wildlife watching, including bird watching, is an increasingly profitable industry in the United States. The 2006 National Survey of Fishing, Hunting and Wildlife-Associated Recreation, which represents the most recent data compiled by the U.S. Fish and Wildlife Service on the economic impact of wildlife recreation, showed that \$45.7 billion was spent in 2006 alone on wildlife watching.

Birds are also important indicators for the health and integrity of our natural environment. As bird populations decline, they signal failing ecosystems and warn of the deterioration of the quality of the air, water and soil on which we depend.

Originally authorized in 2000, the Neotropical Migratory Bird Conservation Act (Public Law 106–247) encourages habitat protection, education, researching, monitoring, and capacity building to provide for the long-term protection of neotropical migratory birds. It does this by providing grants to countries in Latin America and the Caribbean for the conservation of these birds, through a competitive matching grants program to leverage funding from a range of non-governmental sources. Up to one-quarter of the annual grants can be used for projects in the United States.

The Neotropical Migratory Bird Conservation Act of 2000 authorized an annual \$5 million for each of the fiscal years 2001 through 2005. The Act was reauthorized in 2006 to increase the authorization level from \$5 million to \$6.5 million for Fiscal Years 2006–2010.

Since 2002, the U.S. has invested more than \$25 million in 262 projects in 44 States, Canada, and 33 Latin American and Caribbean countries, and leveraged an additional \$116 million in partner funds to support these projects. Since the program’s inception, grant requests from qualified applicants have far exceeded the Act’s available funding. In the last five years, almost two-thirds of eligible grant proposals have been turned away. The reauthorization legislation would authorize \$8 million for fiscal year 2010, gradually escalating to \$20 million for fiscal year 2015, in order to meet expanding funding needs.

OBJECTIVES OF THE LEGISLATION

S. 690 amends the Neotropical Migratory Bird Conservation Act to increase the amount authorized in fiscal year 2010 and reauthorizes the Act for fiscal years 2011 through 2015.

SECTION-BY-SECTION ANALYSIS

Section 1. Reauthorization of Neotropical Migratory Bird Conservation Act

This section amends Section 10 of the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6109) to authorize appropriations to carry out the Act. Amounts authorized would increase incrementally from \$8 million in fiscal year 2009 to \$20 million in fiscal year 2015. This section further provides that of the amounts made available in this section, not less than 75 percent shall be expended for projects carried out at a location outside of the United States.

LEGISLATIVE HISTORY

On March 25, 2009, Senator Cardin introduced this legislation, which is cosponsored by Senators Crapo, Leahy, Lieberman, Menendez, Nelson of Florida, and Durbin. The bill was received, read twice and referred to the Senate Committee on Environment and Public Works. The Committee met on June 18, 2009, to consider the bill, and ordered S. 690 to be reported favorably without amendment.

HEARINGS

No committee hearings were held on S. 690.

ROLLCALL VOTES

On June 18, 2009, the Committee on Environment and Public Works ordered S. 690 to be favorably reported by voice vote with Senator Inhofe recorded as “nay.” No rollcall votes were taken.

REGULATORY IMPACT STATEMENT

In compliance with section 11(b) of rule XXVI of the Standing Rules of the Senate, the committee finds that S. 690 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. 690 would not impose Federal intergovernmental unfunded mandates on State, local, or tribal governments.

S. 690—A bill to amend the Neotropical Migratory Bird Conservation Act to reauthorize the act

Summary: S. 690 would authorize appropriations for grants and other activities carried out under the Neotropical Migratory Bird Conservation Act through 2015. Assuming appropriation of the authorized amounts, CBO estimates that implementing the bill would cost \$51 million over the 2010–2014 period. (After 2014, \$29 million would be spent, including \$20 million authorized to be appropriated in 2015.) Enacting S. 690 would have no effect on revenues or direct spending.

The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of S. 690 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—						
	2009	2010	2011	2012	2013	2014	2009– 2014
SPENDING SUBJECT TO APPROPRIATION							
Spending Under Current Law:							
Budget Authority/Authorization Level ¹	5	6	0	0	0	0	11
Estimated Outlays	4	5	1	0	0	0	11
Proposed Changes:							
Authorization Level	0	2	11	13	16	18	60
Estimated Levels	0	1	7	11	15	17	51
Spending Under S. 690:							
Budget Authority/Authorization Level ...	5	8	11	13	16	18	71
Estimated Outlays	4	6	8	11	15	17	62

¹The 2009 level is the amount appropriated for that year for the Neotropical Migratory Bird Conservation Program. Under current law, \$6.5 million in funding is authorized to be appropriated for 2010.

Basis of estimate: For this estimate, CBO assumes that S. 690 will be enacted near the end of 2009 and that the amounts author-

ized by the bill will be appropriated for each year, including \$1.5 million for 2010 (in addition to \$6.5 million that is already authorized for that year). Estimated outlays are based on historical spending patterns for this program.

S. 690 would authorize annual funding of between \$8 million (for 2010) and \$20 million (for 2015) for the Neotropical Migratory Bird Conservation Program. The program is carried out by the U.S. Fish and Wildlife Service and supports research and conservation grants to protect certain species of birds.

Intergovernmental and private-sector impact: S. 690 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Estimate prepared by: Federal Costs, Deborah Reis; Impact on State, Local, and Tribal Governments, Melissa Merrell; Impact on the Private Sector, Amy Petz.

Estimate approved by: Peter H. Fontaine, 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:

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NEOTROPICAL MIGRATORY BIRD CONSERVATION ACT

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[SEC. 6109. AUTHORIZATION OF APPROPRIATIONS

[(a) In general

[There is authorized to be appropriated to the Account to carry out this chapter 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 are authorized to be appropriated to carry out this Act, to remain available until expended—

- (1) \$8,000,000 for fiscal year 2010;
- (2) \$11,000,000 for fiscal year 2011;
- (3) \$13,000,000 for fiscal year 2012;
- (4) \$16,000,000 for fiscal year 2013;
- (5) \$18,000,000 for fiscal year 2014; and
- (6) \$20,000,000 for fiscal year 2015.

(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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