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SENATE

{ REPORT
112-46

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

AUGUST 2, 2011.—Ordered to be printed

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

R E P O R T

[To accompany S. 538]

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works, to which was referred a bill (S. 538) to amend the Neotropical Migratory Bird Conservation Act to reauthorize the Act, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, 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. The program provides grants for projects in the United States, Canada, Latin America and the Caribbean that conserve neotropical migratory birds. The matching requirements for the grant program leverages 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.

Between 2002 and 2011, the program supported 367 projects, coordinated by partners in 48 U.S. states/territories and 36 countries. More than \$39 million in Federal grants has leveraged over \$152 million in matching funds and \$6.5 million in nonmatching funds. Projects involving land conservation have affected about 2 million acres of bird habitat.

Since the program's inception, grant requests from qualified applicants have far exceeded the Act's available funding. In the last five years, almost three-quarters of eligible grant proposals have been turned away. This legislation, as amended, authorizes \$6.5 million for fiscal years 2012 through 2017.

OBJECTIVES OF THE LEGISLATION

S. 538 amends the Neotropical Migratory Bird Conservation Act to reauthorize the Act for fiscal years 2012 through 2017.

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. This section, as amended, authorizes \$6.5 million for fiscal years 2012 through 2017.

LEGISLATIVE HISTORY

On March 10, 2011, Senator Cardin introduced S. 538. The bill was received, read twice and referred to the Senate Committee on Environment and Public Works. The Committee met on July 13, 2011, to consider the bill. Senator Cardin introduced an amendment that would alter appropriation levels to \$6,500,000 annually. The committee ordered S. 538 to be reported favorably with an amendment.

HEARINGS

No committee hearings were held on S. 538.

ROLLCALL VOTES

On July 13, 2011, the Committee on Environment and Public Works ordered S. 538 to be favorably reported by voice vote with Senator Inhofe, Barrasso, and Johanns recorded as “No.” 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 finds that S. 538 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. 538 would not impose Federal intergovernmental unfunded mandates on State, local, or tribal governments.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

AUGUST 2, 2011.

Hon. BARBARA BOXER,
Chairman, Committee on Environment and Public Works,
U.S. Senate, Washington, DC.

DEAR MADAM CHAIRMAN: The Congressional Budget Office has prepared the enclosed revised cost estimate for S. 538, a bill to amend the Neotropical Migratory Bird Conservation Act to reauthorize the act. This revised cost estimate supersedes a CBO cost estimate transmitted on July 22, 2011, for the bill as ordered reported by the Senate Committee on Environment and Public Works on July 13, 2011. CBO has revised the estimate of additional discretionary spending under S. 538 to correct an error regarding the amounts of appropriations authorized under the bill.

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

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

S. 538—A bill to amend the Neotropical Migratory Bird Conservation Act to reauthorize the act

Summary: S. 538 would authorize appropriations through 2017 for grants and other activities carried out under the Neotropical Migratory Bird Conservation Act. Assuming appropriation of the authorized amounts, CBO estimates that implementing the bill would cost \$30 million over the 2012–2016 period and \$9 million after 2016. Enacting S. 538 would not affect revenues or direct spending; therefore, pay-as-you-go procedures do not apply.

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. 538 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—					
	2012	2013	2014	2015	2016	2012–2016
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Authorization Level	7	7	7	7	7	33
Estimated Outlays	5	6	6	6	7	30

NOTE: Amounts do not sum to totals because of rounding.

Basis of estimate: For this estimate, CBO assumes that S. 538 will be enacted near the end of 2011 and that the authorized amounts will be appropriated for each fiscal year. Estimated outlays are based on historical spending patterns for this program.

S. 538 would authorize the appropriation of \$6.5 million a year to carry out the Neotropical Migratory Bird Conservation Program through 2017. The program is administered by the U.S. Fish and Wildlife Service (USFWS) and supports research and conservation grants to protect certain species of birds. Based on information from USFWS, CBO estimates that implementing the legislation would cost \$30 million over the 2012–2016 period and \$9 million after 2016.

Intergovernmental and private-sector impact: S. 538 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Previous CBO estimate: This revised cost estimate supersedes a CBO cost estimate transmitted on July 22, 2011, for S. 538 as ordered reported by the Senate Committee on Environment and Public Works on July 13, 2011. CBO previously estimated additional discretionary spending of \$36 million over the 2012–2016 period. That earlier estimate did not reflect a committee-approved amendment to the bill that specifies the annual authorization of \$6.5 million, as shown in this revised estimate.

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

Estimate approved by: Theresa Gullo, 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

SEC. 2. FINDINGS.

Congress finds that—

(1) * * *

* * * * *

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

【There is authorized to be appropriated to the Account to carry out this Act \$5,000,000 for each of fiscal years 2001 through 2005, 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.】

(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act \$6,500,000 for each of fiscal years 2012 through 2017.

(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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