

NEOTROPICAL MIGRATORY BIRD CONSERVATION ACT

APRIL 12, 1999.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources,
submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 39]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 39) to require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Neotropical Migratory Bird Conservation Act”.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Neotropical migratory bird populations in nations within the range of neotropical migratory birds have continued to decline to the point that the long-term survival of various species in the wild is in jeopardy.

(2) 90 North American bird species are listed as endangered species or threatened species under section 4 of the Endangered Species Act of 1973, and 124 species of migratory birds are currently on the United States Fish and Wildlife Service’s List of Migratory Nongame Birds of Management Concern.

(3) The United States, through 4 bilateral treaties, has responsibility of maintaining healthy populations of 778 species of migratory nongame birds and 58 species of migratory game birds that migrate between the Caribbean, Latin America, and North America.

(4) The Government of Mexico presently lists approximately 390 bird species as endangered, threatened, vulnerable, or rare.

(5) Healthy bird populations provide important economic benefits, such as control of detrimental insects on agricultural crops, thus preventing the loss of millions of dollars each year to farming and timber interests.

(6) Neotropical migratory birds travel across many international borders, therefore the conservation of these species requires that safeguards be established at both the beginning and end of the migration routes, as well as at essential stopover areas along the way.

(7) Because the challenges facing the conservation of neotropical migratory birds are so great, resources to date have not been sufficient to cope with continued loss of habitat and the consequent reduction of neotropical migratory bird populations.

(8) To reduce, remove, or otherwise effectively address these threats through the long-term viability of populations of neotropical migratory birds in the wild will require the joint commitment and efforts of nations within the range of neotropical migratory birds and the private sector.

(9) A Neotropical Migratory Bird Conservation fund would provide much-needed support for projects aimed at protecting critical habitat for declining migratory bird species, in an innovative way that promotes conservation partnerships and cost sharing through joint Federal and non-Federal support mechanisms.

SEC. 3. PURPOSES.

The purposes of this Act are the following:

- (1) To perpetuate healthy populations of neotropical migratory birds.
- (2) To assist in the conservation and protection of neotropical migratory birds by supporting conservation initiatives in Canada, Latin America, and the Caribbean.
- (3) To provide financial resources and to foster international cooperation for those initiatives.

SEC. 4. DEFINITIONS.

In this Act:

(1) ACCOUNT.—The term “Account” means the Neotropical Migratory Bird Conservation Account established by section 9(a).

(2) CONSERVATION.—The term “conservation” means the use of methods and procedures necessary to bring a species of neotropical migratory bird to the point at which there are sufficient populations in the wild to ensure the long-term viability of the species, including—

- (A) protection and management of neotropical migratory bird populations;
- (B) maintenance, management, protection, and restoration of neotropical migratory bird habitat;
- (C) research and monitoring;
- (D) law enforcement; and
- (E) community outreach and education.

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

SEC. 5. FINANCIAL ASSISTANCE.

(a) IN GENERAL.—The Secretary shall establish a program to provide financial assistance for projects outside of the United States to promote the conservation of neotropical migratory birds.

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

- (1) an individual, corporation, partnership, trust, association, or other private entity;
- (2) an officer, employee, agent, department, or instrumentality of the Federal Government, of any State, municipality, or political subdivision of a State, or of any foreign government;
- (3) a State, municipality, or political subdivision of a State;
- (4) any other entity subject to the jurisdiction of the United States or of any foreign country; and
- (5) an international organization (as defined in section 1 of the International Organizations Immunities Act (22 U.S.C. 288)).

(c) PROJECT PROPOSALS.—To be considered for financial assistance for a project under this Act, an applicant shall submit a project proposal that—

- (1) includes—
 - (A) the name of the individual responsible for the project;
 - (B) a succinct statement of the purposes of the organization that will conduct the project and of the project;

- (C) a description of the qualifications of individuals conducting the project; and
- (D) an estimate of the funds and time necessary to complete the project, including sources and amounts of matching funds;
- (2) demonstrates that the project will enhance the conservation of neotropical migratory bird species in Latin America, the Caribbean, or the United States;
- (3) includes mechanisms to ensure adequate local public participation in project development and implementation;
- (4) contains assurances that the project will be implemented in consultation with relevant wildlife management authorities and other appropriate government officials with jurisdiction over the resources addressed by the project;
- (5) demonstrates sensitivity to local historic and cultural resources and complies with applicable laws;
- (6) describes how the project will promote sustainable, effective, long-term programs to conserve neotropical migratory birds;
- (7) provides any other information that the Secretary considers to be necessary for evaluating the proposal; and
- (8) provides assurances of the financial viability of the applicant and the project by providing financial information to prove the applicant's ability to complete the project.
- (d) **PROJECT REPORTING.**—Each recipient of assistance for a project under this Act shall submit to the Secretary such periodic reports as the Secretary considers to be necessary. Each report shall include all information required by the Secretary for evaluating the progress and outcome of the project.
- (e) **COST SHARING.**—
 - (1) **FEDERAL SHARE.**—The Federal share of the cost of each project shall be not greater than 33 percent.
 - (2) **NON-FEDERAL SHARE.**—
 - (A) **SOURCE.**—The non-Federal share required to be paid for a project shall not be derived from any Federal grant program.
 - (B) **FORM OF PAYMENT.**—The non-Federal share of the costs of a project carried out with assistance under this Act may be paid in cash or in kind.
- (f) **PURCHASE OF LAND ONLY FROM WILLING SELLERS.**—Amounts of financial assistance provided under this Act shall not be used to acquire any land or interest in land except from a willing seller.

SEC. 6. DUTIES OF THE SECRETARY.

In carrying out this Act, the Secretary shall—

- (1) develop guidelines for the solicitation of proposals for projects eligible for financial assistance under section 5;
- (2) encourage submission of proposals for projects eligible for financial assistance under section 5, particularly proposals from relevant wildlife management authorities;
- (3) select proposals for financial assistance that satisfy the requirements of section 5, giving priority to proposals that address conservation needs not adequately addressed by existing efforts and that are supported by relevant wildlife management authorities; and
- (4) generally implement this Act in accordance with its purposes.

SEC. 7. COOPERATION.

(a) **IN GENERAL.**—In carrying out this Act, the Secretary shall—

- (1) support and coordinate existing efforts to conserve neotropical migratory bird species, through—
 - (A) facilitating meetings among persons involved in such efforts;
 - (B) promoting the exchange of information among such persons;
 - (C) developing and entering into agreements with other Federal agencies, foreign, State, and local governmental agencies, and nongovernmental organizations; and
 - (D) conducting such other activities as the Secretary considers to be appropriate; and
- (2) coordinate activities and projects under this Act with existing efforts in order to enhance conservation of neotropical migratory bird species.

(b) **ADVISORY GROUP.**—

- (1) **IN GENERAL.**—The Secretary may establish an advisory group in accordance with this subsection to advise the Secretary regarding the implementation of this Act.
- (2) **MEMBERSHIP.**—An advisory group established under this subsection shall consist of individuals who represent public and private organizations that are actively involved in the conservation of neotropical migratory birds.

(3) PUBLIC PARTICIPATION.—

(A) MEETINGS.—An advisory group established under this subsection shall—

(i) ensure that each meeting of the advisory group is open to the public; and

(ii) provide, at each meeting of the advisory group, an opportunity for interested persons to present oral or written statements concerning items on the agenda for the meeting.

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

(C) MINUTES.—The Secretary shall keep and make available to the public minutes of each meeting of the advisory group.

(4) EXEMPTION.—The Federal Advisory Committee Act (5 App. U.S.C.) shall not apply to the establishment and activities of an advisory group in accordance with this subsection.

SEC. 8. REPORT TO CONGRESS.

Not later than October 1, 2002, the Secretary shall submit to Congress a report on the results and effectiveness of the program carried out under this Act, including recommendations concerning how the Act might be improved and whether the program should be continued in the future.

SEC. 9. NEOTROPICAL MIGRATORY BIRD CONSERVATION ACCOUNT.

(a) ESTABLISHMENT.—There is established in the Multinational Species Conservation Fund of the Treasury a separate account to be known as the “Neotropical Migratory Bird Conservation Account”, which shall consist of amounts deposited into the Account by the Secretary of the Treasury under subsection (b).

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

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

(2) other amounts appropriated to the Account.

(c) USE.—

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

(2) **ADMINISTRATIVE EXPENSES.—**Of amounts in the Account available for each fiscal year, the Secretary may expend not more than 6 percent to pay the administrative expenses necessary to carry out this Act.

(d) ACCEPTANCE AND USE OF DONATIONS.—The Secretary may accept and use donations to carry out this Act. Amounts received by the Secretary in the form of donations shall be transferred to the Secretary of the Treasury for deposit into the Account.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Account to carry out this Act \$8,000,000 for each of fiscal years 2000 through 2002, to remain available until expended.

SEC. 11. PRIVATE PROPERTY.

Nothing in this Act shall place restrictions on commercial or private use of private property in the United States, nor shall there be any taking of private land in the United States under this Act.

PURPOSE OF THE BILL

The purpose of H.R. 39 is to require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds.

BACKGROUND AND NEED FOR LEGISLATION

Neotropical migrants are birds that travel between the United States, Mexico, Central America, much of the Caribbean, and the northern part of South America. These birds include blue birds, ducks, goldfinches, gulls, hummingbirds, orioles, plovers, robins, vireos, warblers, and woodpeckers. They migrate across international borders and depend upon thousands of miles of suitable

habitat. Each autumn some five billion birds from 500 species migrate between their breeding grounds in North America and their tropical habitats in the Caribbean and Latin America. According to the U.S. Fish and Wildlife Service, neotropical migratory birds typically spend five months of the year at Caribbean/Latin American wintering sites, four months in North American breeding areas, and three months traveling to these sites during spring and autumn migrations. In some parts of the United States and Canada, almost all of the birds migrate to the tropics for the winter.

According to various experts, there are over 75 million Americans who enjoy watching and feeding birds. In fact, birdwatching is one of America's fastest growing forms of outdoor recreation. These activities generate some \$20 billion in economic activity each year. This form of ecotourism is growing. At the Chincoteague National Wildlife Refuge in Virginia, a study was conducted in 1994 focusing on birding ecotourism. The study found that 95,970 bird watchers visited Chincoteague during that year, spending a total of \$33.2 million. Furthermore, healthy bird populations are a valuable asset for farmers and timber interests. These birds help to pollinate and disperse seeds of many economically important plant species. They also consume detrimental insects and prevent the loss of millions of dollars to farmers each year. The U.S. Department of Agriculture has indicated that a population of 3,000 Swainson's hawks in the western United States eat more than one million rodents each summer.

While there is no debate on the importance of these birds, what is seriously lacking is a strategic plan for bird conservation, money for on-the-ground projects, public awareness, and any real coordination among the various nations where neotropical migratory birds live. There have been efforts to protect these species and their habitats. However, they have generally focused on specific categories of migratory birds or specific regions in the Americas. There is a general consensus among conservation groups, government agencies, and researchers that a comprehensive international program is needed to conserve viable populations of neotropical migratory birds. Due to the migratory nature of these species, it does little good to conserve suitable and sufficient habitat in only a portion of their range.

Through bilateral treaties, the United States is responsible for assisting in the maintenance of populations of over 800 game and nongame species of migratory birds. Regrettably, there are 90 North American bird species that are listed as either threatened or endangered under our Endangered Species Act and an additional 124 bird species that the U.S. Fish and Wildlife Service has identified on its list of Migratory Nongame Birds of Management Concern.

In North America, an estimated 70 percent of prairie birds are declining. The Mexican Government has identified some 390 bird species as being endangered, threatened, vulnerable or rare. Many of these species are neotropical migratory birds. There are many reasons for the decline in the population of these species including nest predation, competition among species, general hazards along their migration routes, and the widespread use of pesticides. However, the greatest threat to their long-term survival is the con-

tinuing loss of essential habitat in the Caribbean and Latin America, both in staging and wintering areas of these species.

Without some financial assistance, many neotropical migratory bird species will face extinction in the future. The fundamental goal of this legislation is to reverse their population decline. This would be accomplished by establishing a Neotropical Migratory Bird Conservation Account; authorize an appropriation of up to \$8 million per year until September 30, 2002; give the Secretary of the Interior the responsibility to select meritorious conservation projects; stipulate that not more than six percent of appropriated funds may be used for administrative costs and direct the Secretary of the Interior to submit a report to Congress on the effectiveness of the program.

COMMITTEE ACTION

H.R. 39 was introduced on January 6, 1999, by Congressmen Don Young (R-AK), Jim Saxton (R-NJ) and George Miller (D-CA). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Fisheries Conservation, Wildlife and Oceans. On February 11, 1999, the Subcommittee held a hearing on the bill. Testimony was heard from Mr. John Rogers, U.S. Fish and Wildlife Service; Mr. Robert McDowell, New Jersey Department of Environment Protection and Energy; Dr. Daniel P. Beard, National Audubon Society; Dr. Peter Stangel, National Fish and Wildlife Foundation; Mr. Christopher Williams, World Wildlife Fund; Mr. Ken Reininger, North Carolina Zoological Park; and Mr. Gerald Winegrad, American Bird Conservancy. Each witness testified in support of the legislation. On February 25, 1999, the Subcommittee met to mark up the bill. Mr. Saxton offered an amendment that expanded the purposes section to assist in the "conservation and protection of the neotropical migratory birds in the United States, Canada . . . and the Caribbean." It was adopted by voice vote. Congressman Eni Faleomavaega (D-AS) offered an amendment that allowed the Secretary to convene an advisory group of those organizations involved in bird conservation. It was adopted by voice vote. Mr. Faleomavaega then offered a second amendment that expanded the coverage to include the "Insular Territories" of the United States. The amendment was also adopted by voice vote. The bill was then ordered favorably reported to the Full Committee by voice vote. On March 17, 1999, the Full Resources Committee met to consider H.R. 39. Mr. Saxton offered an amendment that stipulated that any grant money provided under H.R. 39 must be spent on neotropical migratory bird conservation projects outside the United States. While this language will not prevent any U.S. citizen or organization from applying for a grant, it will target those limited funds to those countries, within the range of these species, that demonstrate the greatest conservation needs. The amendment was adopted by voice vote. Congressman Richard Pombo (R-CA) then offered an en block amendment that required that any land purchased under this bill must be from willing sellers and that grantees demonstrate the financial ability to complete a conservation project, and reduced the authorization period to three years. This amendment was approved by voice vote. Mr. Pombo then offered a second amendment that expresses the senti-

ment that there shall be no restrictions on commercial or private property or the taking of private land in the United States under H.R. 39. The amendment was in no way meant to limit voluntary agreements that constrains land use or practices agreed to by landowners. This amendment was approved by voice vote. Congressman Helen Chenoweth (R-ID) offered an amendment that required a project applicant to enter into a written agreement with each landowner, to establish the terms of the project and to allow the property owner to terminate the agreement if the terms are not met. The amendment failed 14 to 20, as follows:

Committee on Resources
U.S. House of Representatives
106th Congress

Full Committee

Date 3-17-99Roll No. 1Bill No. H.R. 39 Short Title Neotropical Migratory Bird Conservation Act.Amendment or matter voted on: Chenoweth Amendment #1

Member	Y	N	Present	Member	Y	N	Present
Mr. Young (Chairman)		X		Mr. Miller		X	
Mr. Tauzin				Mr. Rahall			
Mr. Hansen				Mr. Vento		X	
Mr. Saxton		X		Mr. Kildee		X	
Mr. Gallegly				Mr. DeFazio			
Mr. Duncan	X			Mr. Faleomavaega		X	
Mr. Hefley		X		Mr. Abercrombie		X	
Mr. Doolittle	X			Mr. Ortiz		X	
Mr. Gilchrest		X		Mr. Pickett		X	
Mr. Calvert	X			Mr. Pallone			
Mr. Pombo	X			Mr. Dooley		X	
Mrs. Cubin	X			Mr. Romero-Barcelo		X	
Mrs. Chenoweth	X			Mr. Underwood			
Mr. Radanovich	X			Mr. Kennedy			
Mr. Jones	X			Mr. Smith		X	
Mr. Thornberry				Mr. John			
Mr. Cannon				Mrs. Christensen			
Mr. Brady				Mr. Kind		X	
Mr. Peterson	X			Mr. Inslee		X	
Mr. Hill				Mrs. Napolitano		X	
Mr. Schaffer	X			Mr. Tom Udall		X	
Mr. Gibbons				Mr. Mark Udall		X	
Mr. Souder	X			Mr. Crowley		X	
Mr. Walden							
Mr. Sherwood							
Mr. Hayes	X						
Mr. Simpson	X						
Mr. Tancredo	X			TOTAL	14	20	

Mrs. Chenoweth also offered and withdrew an amendment which protected air space. The bill, as amended, was then reported favorably to the Full House of Representatives by voice vote.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. *Cost of Legislation.*—Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. *Congressional Budget Act.*—As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, credit authority, or an increase or decrease in tax expenditures. According to the Congressional Budget Office, enactment of H.R. 39 would affect offsetting receipts (a credit against direct spending) and governmental receipts as the bill authorizes the U.S. Fish and Wildlife Service to accept and spend donations, which would be “insignificant and largely offsetting.”

3. *Government Reform Oversight Findings.*—Under clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform on this bill.

4. *Congressional Budget Office Cost Estimate.*—Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 25, 1999.

Hon. DON YOUNG,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 39, the Neotropical Migratory Bird Conservation Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Deborah Reis (for federal costs), and Marjorie Miller (for the state and local impact).

Sincerely,

BARRY B. ANDERSON,
(For Dan L. Crippen, Director).

Enclosure.

H.R. 39—Neotropical Migratory Bird Conservation Act

Summary: H.R. 39 would direct the U.S. Fish and Wildlife Service (USFWS) to create a new grant program for projects to conserve neotropical migratory birds in the United States and Caribbean and Latin American countries. The program would provide financial assistance to eligible government agencies, international or foreign organizations, and private entities. H.R. 39 would authorize the USFWS to create a 7-member advisory group in order to assist the agency in carrying out these activities. In order to provide financing for the new program, the bill would establish a neotropical migratory bird conservation account in the U.S. Treasury, into which the Secretary of the Treasury would deposit amounts donated to the government for this program as well as amounts appropriated by the Congress.

For the purposes of developing and administering the program and making grants, H.R. 39 would authorize the appropriation of \$8 million annually for fiscal years 2000 through 2002. Because the bill would authorize the USFWS to accept and spend donations without further appropriation, pay-as-you-go procedures would apply. CBO estimates, however, that any new revenues and resulting direct spending would be insignificant and largely offsetting. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). State and local governments might incur some costs as a result of the bill's enactment, but these costs would be voluntary.

Estimated cost to the Federal Government: Assuming appropriation of the authorized amounts, CBO estimates that implementing H.R. 39 would cost the federal government \$24 million through 2004. For purposes of this estimate, CBO assumes that the bill will be enacted by the beginning of fiscal year 2000 and that the entire amount authorized will be appropriated for each year. Outlay estimates are based on spending patterns for similar programs. The costs of this legislation fall within budget function 300 (natural resources and environment). The estimated budgetary impact of H.R. 39 is shown in the following table.

	By fiscal year, in millions of dollars—				
	2000	2001	2002	2003	2004
Spending Subject to Appropriation					
Authorization level	8	8	8	0	0
Estimated outlays	3	6	8	5	2

Pay-as-you-go considerations: The Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. H.R. 39 would affect both offsetting receipts (a credit against direct spending) and gov-

ernmental receipts. CBO estimates, however, that any such effects would be insignificant and offsetting over the next five years.

Estimated impact on State, local and tribal governments: H.R. 390 contains no intergovernmental mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. State and local governments would be among the entities eligible to receive the financial assistance authorized by this bill. In order to receive assistance for a project, these governments would be required to submit a proposal meeting certain criteria and to pay at least 67 percent of the project costs. Any such costs incurred by state or local governments would be voluntary.

Estimated impact on the private sector: This bill would impose no new private-sector mandates as defined in UMRA.

Previous CBO estimate: On March 19, 1999, CBO prepared a cost estimate for S. 148, the Neotropical Migratory Bird Conservation Act, as ordered reported by the Senate Committee on Environment and Public Works on March 17, 1999. S. 148 would authorize appropriations for one more year (fiscal year 2003) than H.R. 39. The estimate for H.R. 39 reflects the different authorization period.

Estimate prepared by: Federal Costs: Deborah Reis, Impact on State, Local, and Tribal Governments: Marjorie Miller.

Estimate approved by: Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

DISSENTING VIEWS

As introduced, H.R. 39 was a bipartisan bill—sponsored by Chairman Don Young, Fisheries Subcommittee Chairman Jim Saxton and Ranking Democrat George Miller—to help protect and conserve migratory bird populations from threats throughout their range which extends from Alaska to Central and South America. A similar measure was reported by the Committee last year without amendments or controversy. The companion bill passed by the Senate last year has again been reported in this Congress without amendment (S. 148). The Administration strongly supports the legislation as introduced, as do numerous conservation organizations.

The major strengths of this legislation, when introduced, were that: (1) it was pro-active, seeking to halt declines in bird populations before they become endangered and threatened; (2) it leveraged funds from outside sources to accomplish its goals, with federal funds accounting for a one-third share; and (3) it adopted a model for neotropical bird conservation from smaller-scale, successful programs. Efforts to develop cooperative, voluntary partnerships among landowners, industry, and local communities have had tangible results and the bill is intended to expand upon those successes.

Unfortunately, the amendments adopted during the Committee markup weaken the bill substantially by adding unnecessary and confusing language, and by limiting the geographical scope of the legislation. An amendment offered by Rep. Saxton requires that only projects outside of the United States benefit from federal funding. While the intent of the Saxton amendment was to ward off other, more destructive amendments, it significantly undermines H.R. 39 by excluding critical conservation efforts in the United States to protect migratory birds throughout their range.

Despite Rep. Saxton's effort at compromise, the Majority also adopted vague and unnecessary language supposedly to protect property rights even though the bill, as amended, no longer applies to the United States and notwithstanding the reality that nothing in the bill as introduced—which seeks to promote voluntary partnerships—poses any remote threat to property rights. This amendment is a solution in search of a problem that simply does not exist.

Another ill-advised amendment prevents funds authorized by this Act from being used to purchase land unless sellers agree, requires organizations seeking funding to provide a financial viability statement, and shortens the authorization period by two years. The first of these two are unnecessary at best. First, this bill does not authorize land acquisition; it seeks to encourage changes in land use practices on a voluntary basis. Second, it is unclear how this amendment affects the provisions of the bill allowing projects outside of the United States to provide in-kind contributions as match-

ing funds. Finally, by cutting short the authorization period, the amendment does not allow sufficient time for the program to establish concrete results.

In its amended form, this bill should not be adopted by the House. The Committee has done a disservice to the Congress by taking a popular and positive conservation bill and clouding it with destructive, ideologically-driven amendments which do nothing to help achieve the important goals of protecting and conserving migratory birds. These destructive amendments should be rejected by the House and it should promptly send the President a clean bill to be signed into law.

GEORGE MILLER.
ENI FALEOMAVAEGA.

