

117TH CONGRESS  
2D SESSION

# S. 4187

To amend the Neotropical Migratory Bird Conservation Act to make improvements to that Act, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MAY 11 (legislative day, MAY 10), 2022

Mr. CARDIN (for himself and Mr. PORTMAN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To amend the Neotropical Migratory Bird Conservation Act to make improvements to that Act, and for other purposes.

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 “Migratory Birds of  
5 the Americas Conservation Enhancements Act of 2022”.

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

8 (a) COST SHARING.—Section 5 of the Neotropical  
9 Migratory Bird Conservation Act (16 U.S.C. 6104) is  
10 amended—

1           (1) in subsection (e)(1), by striking “25 per-  
2 cent” and inserting “33.3 percent”; and

3           (2) by adding at the end the following:

4           “(f) CRITERIA.—

5           “(1) IN GENERAL.—In accordance with para-  
6 graph (2), the Secretary shall establish criteria for  
7 awarding financial assistance under this section.

8           “(2) REQUIREMENT.—The criteria established  
9 under paragraph (1) shall provide that project pro-  
10 posals submitted under subsection (c) that have a  
11 higher non-Federal share, as compared to other  
12 project proposals submitted under that subsection,  
13 shall receive additional consideration by the Sec-  
14 retary before determining which project proposals  
15 shall receive financial assistance under this section.

16           “(3) AVAILABILITY.—The Secretary shall—

17           “(A) make the criteria established under  
18 paragraph (1) publicly available; and

19           “(B) include those criteria in—

20           “(i) each notice of funding oppor-  
21 tunity for the program under this section;

22           and

23           “(ii) any application instructions de-  
24 veloped by the Secretary for that pro-  
25 gram.”.

1 (b) REPORTS TO CONGRESS.—Section 8 of the  
2 Neotropical Migratory Bird Conservation Act (16 U.S.C.  
3 6107) is amended—

4 (1) in the section heading, by striking “**RE-**  
5 **PORT**” and inserting “**REPORTS**”;

6 (2) by striking “Not later than 2 years” and in-  
7 serting the following:

8 “(a) RESULTS AND EFFECTIVENESS OF PROGRAM.—  
9 Not later than 2 years”; and

10 (3) by inserting after subsection (a) (as so des-  
11 ignated) the following:

12 “(b) COST SHARING AND CRITERIA IMPLEMENTA-  
13 TION.—Not later than 3 years after the date of enactment  
14 of the Migratory Birds of the Americas Conservation En-  
15 hancements Act of 2022, the Secretary shall submit to the  
16 Committee on Environment and Public Works of the Sen-  
17 ate and the Committee on Natural Resources of the House  
18 of Representatives a report that includes an analysis of  
19 the implementation by the Secretary of subsection (f) of  
20 section 5, which shall include an analysis of the project  
21 proposals selected to receive financial assistance using the  
22 criteria established under that subsection.

23 “(c) ADVISORY GROUP IMPLEMENTATION.—Not  
24 later than 18 months after the date of enactment of the  
25 Migratory Birds of the Americas Conservation Enhance-

1 ments Act of 2022, the Secretary shall submit to the Com-  
2 mittee on Environment and Public Works of the Senate  
3 and the Committee on Natural Resources of the House  
4 of Representatives a report describing the implementation  
5 of subsection (b) of section 7 by the Secretary, which shall  
6 include, if applicable, a description of the composition of  
7 the advisory group convened under paragraph (1) of that  
8 subsection.”.

9 (c) NEOTROPICAL MIGRATORY BIRD CONSERVATION  
10 FUND ADMINISTRATIVE EXPENSES.—Section 9(c)(2) of  
11 the Neotropical Migratory Bird Conservation Act (16  
12 U.S.C. 6108(c)(2)) is amended by striking “3 percent or  
13 up to \$100,000” and inserting “5 percent or up to  
14 \$300,000”.

15 (d) AUTHORIZATION OF APPROPRIATIONS.—Section  
16 10 of the Neotropical Migratory Bird Conservation Act  
17 (16 U.S.C. 6109) is amended by striking subsection (a)  
18 and inserting the following:

19 “(a) IN GENERAL.—There are authorized to be ap-  
20 propriated to carry out this Act—

21 “(1) for fiscal year 2023, \$20,000,000;

22 “(2) for fiscal year 2024, \$21,250,000;

23 “(3) for fiscal year 2025, \$22,500,000;

24 “(4) for fiscal year 2026, \$23,750,000; and

25 “(5) for fiscal year 2027, \$25,000,000.”.

1 (e) TECHNICAL CORRECTIONS.—

2 (1) Section 4 of the Neotropical Migratory Bird  
3 Conservation Act (16 U.S.C. 6103) is amended—

4 (A) by striking paragraph (1); and

5 (B) by redesignating paragraphs (2)  
6 through (5) as paragraphs (1) through (4), re-  
7 spectively.

8 (2) Section 7(b)(1) of the Neotropical Migra-  
9 tory Bird Conservation Act (16 U.S.C. 6106(b)(1))  
10 is amended, in the second sentence, by adding a pe-  
11 riod at the end.

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