



As the 115th Congress is considering public lands and wildlife legislation, American Bird Conservancy (ABC) offers the following recommendations to advance bird conservation:

Bills to Support that Advance Bird Conservation

Migratory Birds of the Americas Conservation Act (NMBCA)

Sen. Ben Cardin (D-MD) and Sen. Rob Portman (R-OH) have introduced, S. 1537, to reauthorize the Neotropical Migratory Bird Conservation Act (NMBCA), one of the nation's most important bird conservation laws. Now called the Migratory Birds of the Americas Conservation Act, the bill would provide a higher level of funding to help conserve migratory birds, many of which are in rapid decline. Rep. Robert Wittman (R-VA) and Rep. Ron Kind (D-WI) have introduced companion legislation, H.R. 3598 in the House of Representatives.

ABC recommends passage of S. 1537/H.R. 3598 and asks Senators and Representatives to please cosponsor the bill.

Federal Bird-Safe Buildings Act

Reps. Mike Quigley (IL) and Morgan Griffith (VA) have reintroduced the Federal Bird-Safe Buildings Act (H.R. 2542) to prevent the deaths of millions of birds by calling for each public building constructed, acquired, or significantly altered by the GSA to incorporate, to the maximum extent possible, bird-safe building materials and design features. It also calls for monitoring to identify problem buildings/locations for collisions.

ABC recommends passage of this legislation. Representatives, please cosponsor the Federal Bird-Safe Buildings Act.

Farm Bill Conservation Programs

Farm Bill contains an array of programs benefiting bird conservation such as the Conservation Reserve Program, Regional Conservation Partnership Program, and EQIP to provide resources and incentives for landowners to engage in wildlife habitat conservation and forest restoration. Particularly important is the Regional Conservation Partnership Program (RCPP) which helps improve working forests and grasslands to benefit wildlife. Farm Bill conservation programs have proven effective in helping to reverse declines of wetland, grassland and forest birds according to the [2017 State of the Birds Special Report](#) on the Farm Bill.

ABC recommends reauthorizing Farm Bill conservation programs at current or higher funding levels.

North American Wetlands Conservation Act

North American Wetlands Conservation Act (NAWCA) grants are essential programs benefitting bird and wildlife habitat conservation. NAWCA works to protect and restore quality wetland and associated upland habitat in the U.S., Canada and Mexico. Federal and non-federal funding through NAWCA has resulted in the conservation of more than 27.5 million acres of wetlands and associated uplands across North America. These projects promote long-term protection of acquired habitats and, due to the highly competitive grant process, each federal dollar is matched by at least \$2 on average. Rep. Rob Wittman (R-VA) has introduced H.R. 1099 to reauthorize the program.

ABC recommends enacting H.R. 1099 to reauthorize NAWCA.

Saving America's Pollinators Act

H.R. 3040, the Saving America's Pollinators Act of 2017, introduced by Reps. John Conyers (MI) and Earl Blumenauer (D-OR), would suspend registration for neonicotinoid insecticides, or "neonics," which are causing serious harm to birds, bees, and aquatic life pending thorough review and field study of the adverse effects.

ABC recommends passage of this legislation. Representatives, please cosponsor the Saving America's Pollinators Act, H.R. 3040.

Protect Children, Farmers, and Farmworkers from Nerve Agent Pesticides Act

Sen. Tom Udall has introduced legislation, S. 1624, to immediately ban chlorpyrifos which is linked to harmful health impacts as well as posing a threat to nearly all endangered species. H.R. 3380 would establish a similar ban.

ABC recommends passage of S. 1624/H.R. 3380.

Conservation of Albatrosses and Petrels Act

Rep. Alan Lowenthal (CA) is expected to introduce a bill implementing the Agreement on the Conservation of Albatrosses and Petrels (ACAP), and we hope to see a companion bill introduced in the Senate. ACAP is a multilateral agreement which seeks to conserve albatrosses and petrels by coordinating international activity to mitigate known threats to their populations. The U.S. is a world leader in improving bird-friendly mitigation practices to reduce accidental bycatch, and our participation in the agreement can help encourage other nations to make similar progress. The Senate Foreign Relations Committee must give its advice and consent for ACAP to move forward towards ratification.

ABC urges Congress to ratify and pass implementing legislation.

Secure Rural Schools

This is an important law to help support rural communities with large federal landholdings, and to ensure the forest management on federal lands remains at sustainable levels. The program expired in April. Bills have been introduced in the House and Senate for reauthorization.

ABC recommends passage of S. 1508/H.R. 3155 to reauthorize Secure Rural Schools.

Stamp Out Invasive Species

Rep. Elise Stefanik (NY) has introduced the Stamp Out Invasive Species Act, H.R. 1357, creating a semi-postal stamp raise additional funds for the Interior and Agriculture Departments to meet the growing threat to wildlife and ecosystems from invasive species.

[ABC urges Congress to pass H.R. 1357.](#)

Land and Water Conservation Fund

Bills have been introduced (S. 569/H.R. 502) in the 115th Congress to permanently authorize the Land and Water Conservation Fund (LWCF). LWCF is a crucial law to meet the growing demand for recreational access, and to provide resources for targeted habitat conservation that promotes the recovery of declining species.

[ABC recommends LWCF be reauthorized with full mandatory funding and asks lawmakers to cosponsor S. 569 or H.R. 502.](#)

Recovering America's Wildlife Act

This bill would substantially increase funding for wildlife conservation by states. Utilizing receipts from development of public lands, \$1.3 billion would be provided to states to implement wildlife action plans. [Click here](#) for a National Wildlife Federation factsheet. We anticipate bill introductions in the House and Senate this fall.

[ABC recommends passage of the Revitalizing America's Wildlife Act.](#)

The Tropical Forest Conservation Act

Best known for enabling "debt-for-nature" swaps, the Tropical Forest Conservation Act (TFCA) of 1998 offers eligible developing countries options to relieve certain official debt owed the U.S. Government while at the same time generating funds in local currency to support tropical forest conservation activities. TFCA is implemented through bilateral agreements with eligible countries. As of July 2013, approximately \$223 million in congressionally appropriated funds have been used to conclude 19 TFCA debt treatment agreements with 14 countries. Senator Rob Portman has introduced legislation, S. 1023, to reauthorize this important program.

[ABC urges reauthorizing the legislation and asks Senators to please cosponsor S. 1023.](#)

The Marine Debris Act

The Marine Debris Act, signed into law in 2006 and amended in 2012 to "identify, determine sources of, assess, prevent, reduce, and remove marine debris and address the adverse impacts of marine debris on the economy of the United States, marine environment, and navigation safety." Because this problem continues to grow, additional funding is needed for cleanup which will benefit albatrosses and petrels and other birds dying in large numbers from ingesting the debris. S. 756 has passed the Senate.

[ABC urges reauthorizing the Act at a higher level \(\\$10 million\) as proposed in S. 756 and H.R. 2748.](#)

Bills to Oppose

Bills Weakening the Endangered Species Act

The Endangered Species Act has a demonstrated track record of success and is an essential lifeline for species sliding towards extinction. In ABC's report, [The Endangered Species Act: A Record of Success](#), we found that 41 birds listed under the ESA have increasing populations, and several have grown more than tenfold since being listed.

[H.R. 424](#) would block federal ESA protections for gray wolves in the Great Lakes states and Wyoming. The bill would prohibit future judicial review of legislative wolf delistings.

[H.R. 717](#) would undermine the ESA listing process by factoring in economic considerations now only considered during the designation of critical habitat. It would also remove deadlines necessary to ensure petitions are ruled on in a timely fashion.

[H.R. 1274](#) would subvert the ESA's science-based listing process by allowing any information provided by states, tribes, or counties to constitute "best available science" effectively contradicting the meaning of "best available science." H.R. 1274 would also direct the federal government to utilize state and local data in its listing decisions, regardless of whether the data is based in science.

[H.R. 2603](#) would strip ESA protections for non-native species within the United States. It would eliminate federal protections for individual animals of listed foreign species in the United States, including several species of parrots. The legislation would obstruct the FWS's ability to regulate illegal wildlife trafficking or issue permits for exhibitors of foreign endangered and threatened species.

[H.R. 3131](#) would undercut citizen engagement and enforcement of the ESA by impeding citizens' ability to obtain counsel and challenge illegal government actions. Under H.R. 3131, citizens who successfully challenge illegal government actions under the ESA would be subject to fee recovery restrictions that could make it difficult for them to obtain counsel.

[ABC urges opposition to H.R. 424, H.R. 717, H.R. 1274, H.R. 2603, H.R. 3131, and any other proposals to weaken protections of the Endangered Species Act or to exempt individual species such as Greater Sage-Grouse from its application.](#)

Bills Undermining Conservation of Public Lands and Waters, or Wildlife Habitat

Federal lands provide essential habitat for a number of endangered birds including the Northern and Mexican Spotted Owl, Marbled Murrelet, and western Yellow-billed Cuckoo. Other species of conservation concern including the Greater Sage-Grouse and California Spotted Owl rely on public lands and may require Endangered Species Act protection. As a result, the conservation and restoration of sagebrush, mature and old growth forests, and desert riparian areas, are top bird conservation priorities.

H.R. 2936 would undermine sustainable forest management on public lands by weakening habitat protections provided by the National Environmental Policy Act, the Endangered Species Act, the National Forest Management Act, and the Administrative Procedures Act. The bill puts at risk old growth forests, roadless areas, and habitat of endangered species.

ABC urges opposition to proposals that dispose of or transfer federal lands over to state ownership or control, or proposals, such as H.R. 2936, that weaken existing conservation standards, or prevent protection of important wildlife habitats.

Bills Undermining Sage Grouse Conservation Plans

As a result of federal land management plans, the Sage Grouse Initiative that provided incentives for grouse habitat conservation on private and state lands, as well as follow-up policies including the proposed 10-million-acre mineral withdrawal, prioritized grazing-permit renewal for sagebrush focal areas, public disclosure of soft and hard trigger reviews, and application of a no-net-loss mitigation policy, the Greater Sage Grouse was found to be not warranted for ESA listing in 2015. Backing away from this conservation success could lead to further habitat loss, and endanger remaining grouse populations.

Additional conservation measures are needed to ensure the grouse population, which declined in parts of Utah and Oregon in 2016, eventually recovers. Legislation has been introduced in the House and Senate (S. 273/H.R. 527) that would undermine Greater Sage-Grouse conservation by allowing adoption of weaker conservation measures for managing grouse habitat, exempting the grouse from Endangered Species Act (ESA) protection for ten years, and halting the proposed mineral withdrawal for the most important grouse habitats. It is essential the federal conservation plans be kept in place and that Greater Sage-Grouse and other individual species such as Lesser Prairie-Chicken not be exempted from the ESA.

ABC asks lawmakers to help make the sage grouse initiative a success by opposing S. 273/HR 527.

Bills Weakening the Migratory Bird Treaty Act

Migratory birds, federally protected by the Migratory Bird Treaty Act, contribute to the U.S. economy in many ways, providing essential ecological services such as pest control, pollination, and seed dispersal--worth billions to U.S. farmers and consumers and ecotourism. Their presence attracts birders, photographers, and tourists, who stay, shop, dine, and buy gear. It is well documented that millions of Americans participate in these activities, and in so doing pump billions of dollars into local economies.

The [State of North America's Birds 2016](#) report found that more than one third of our migratory bird species are in steep decline and will require concerted conservation efforts to ensure their future. They are under extreme pressure from cumulative threats—habitat loss, invasive species, window collisions, and pesticides. Doing away with or weakening the MBTA would push many species closer to the brink, undermine the current system of wildlife management, and likely require more frequent application of the Endangered Species Act.

The Hunter and Farmer Protection Act, S. 478 would weaken the Migratory Bird Treaty Act by allowing the baiting of migratory birds. This provision could undermine the system of managed hunting that has helped restore waterfowl populations, and unfortunately it has been included in S. 1514 the Help for Wildlife Act.

ABC asks lawmakers to please oppose any legislation, such as S. 478, that would eliminate or weaken the Migratory Bird Treaty Act, and to help reverse the ongoing decline of migratory birds.

Bills Undermining Conservation when Developing Wind Energy

Wind energy developments are rapidly proliferating on federal, state and private lands, but there is an inadequate framework to make developments [bird smart](#), i.e. siting away from important bird areas, and preventing or mitigating unintentional mortality. Incentives for bird smart wind be included in tax extensions or other policies intended to promote further development, federal permitting regulations to ensure better siting decisions, and improved independence and transparency bird and bat kill data at wind and solar energy facilities and their associated infrastructure, notably power lines and towers. We support the concept of landscape planning to identify suitable and unsuitable areas for wind and solar development, but are opposed to limiting scientific review and public involvement.

[ABC urges lawmakers to oppose bills, such as H.R. 825, that would circumvent the normal NEPA process.](#)

For more information please contact Steve Holmer, Vice President of Policy, sholmer@abcbirds.org, 202-888-7490 or Jennifer Cipolletti, Deputy Director of Policy, jcipolletti@abcbirds.org, 202-888-7476.