



*Bringing back the birds*

## Migratory Bird Protection Act, H.R. 5552, Introduced in the House of Representatives!

We are thrilled to report that Rep. Alan Lowenthal has introduced the Migratory Bird Protection Act, H.R. 5552. This bipartisan legislation with 19 cosponsors outlines how the Migratory Bird Treaty Act can be updated and strengthened to explicitly cover incidental take and to regulate industrial sources of bird mortality. The bill will be voted on by the House Natural Resources Committee this Wednesday.



H.R. 5552 reverses the Administration's legal interpretation that has halted enforcement against incidental take of migratory birds.

Please join us in this effort to boost protection of migratory birds. Here are some actions both organizations and individuals can take, and resources.

**ACTION: Coalition Sign On Letter** - Please join a growing coalition of organizations supporting the Migratory Bird Protection Act. Sign on using this link:

[https://docs.google.com/forms/d/e/1FAIpQLScOcZdMimQhWZ6roERiMVIEfX-f\\_EMcV6b9NNdpDi9SXWFFkw/viewform](https://docs.google.com/forms/d/e/1FAIpQLScOcZdMimQhWZ6roERiMVIEfX-f_EMcV6b9NNdpDi9SXWFFkw/viewform)

The bill is supported by a growing coalition of conservation organizations, including American Bird Conservancy, Center for Biological Diversity, Climate Hawks Vote, Defenders of Wildlife, EarthJustice, Endangered Habitats League, Endangered Species Coalition, Environmental Defense Fund, Environmental Protection Information Center, Friends of the Earth US, Grand Canyon Trust, Klamath Forest Alliance, League of Conservation Voters, National Audubon Society, National Wildlife Federation, Natural Resources Defense Council, Oregon Natural Desert Association, Predator Defense, Save Animals Facing Extinction, Sierra Club, Turtle Island Restoration Network, Western Nebraska Resources Council, Western Watersheds Project, and WildEarth Guardians.

**ACTION: Co-sponsor Drive** – Please ask your activists to write to their Representative and Senators in support of the Migratory Bird Protection Act. Our action alert can be found at <https://abcbirds.org/action/petition-mbta>.

Original cosponsors include: Don Beyer (VA-08), Earl Blumenauer (OR-03), Ed Case (HI-01), Peter DeFazio (OR-04), Debbie Dingell (MI-12), Ruben Gallego (AZ-07), Raul Grijalva (AZ-03), Deb Haaland (NM-01), Jared Huffman (CA-02), Ann McLane Kuster (NH-02), Ted Lieu (CA-33), Betty McCollum (MN-04), Jerry McNerney (CA-09), Grace Napolitano (CA-32), Eleanor Holmes Norton (Del-DC-01), *Francis Rooney (R-FL-19)*, *Jeff Van Drew (R-NJ-02)*, and Nydia M. Velazquez (NY-07). Rep. Susan Davis (CA-53) has also now signed on.

**These Representatives and bill champion Rep. Alan Lowenthal (CA- 47) each deserve special thanks for their leadership.**

## RESOURCES

[The Migratory Bird Protection Act](#)

[Press Statement from Bill Sponsor, Representative Alan Lowenthal](#)

[Coalition Press Statement](#) - Congress Acts To Restore Vital Protections for Migratory Birds

[NRDC Blog: New Legislation Answers Urgent Need to Protect Birds](#)

[NWF: New Bill Would Rectify Decision to Reduce Protections for America's Migratory Birds](#)

## Background

**Migratory birds are in trouble.** Two recent reports raise serious concerns about the health of our country's bird populations. A study in the journal *Science* found that North America's bird populations have declined by 3 billion birds since 1970, or more than 1 in 4 birds. Looking forward, a National Audubon Society report found that two-thirds of our birds are threatened by climate change.

**The MBTA has been a vital tool for bird conservation.** For decades, this legislation has helped underpin the nation's bird conservation efforts, including generating practices that minimize industrial hazards, such as covering oil waste pits or retrofitting power lines. Every Republican and Democratic administration since the 1970s has applied the law to avoidable industrial hazards, which has saved countless numbers of birds.

**A new MBTA policy has undermined decades of bipartisan conservation.** In December 2017, the Department of the Interior (DOI) issued a legal opinion that reverses the position of previous administrations and for the first time exempts all incidental take from enforcement. This reversal has generated widespread concern from former senior DOI officials from Republican and Democratic administrations as well as three Flyway Councils, multiple states, and hundreds of organizations. DOI plans to cement this harmful policy change with new regulations to codify the legal opinion.

## Bill Summary

The Migratory Bird Protection Act, introduced by Rep. Alan Lowenthal, will accomplish two primary goals:

Reaffirms longstanding protections for birds: The legislation affirms decades of practice and policy of the MBTA by every previous Republican and Democratic administration, and upholds our

international treaty obligations. The bill would minimize certain industrial hazards and incentivize best management practices, while generating financial resources for recovery efforts in the case of incidents such as oil spills that impact birds.

Creates an incidental take permit to provide certainty for industry and advance bird conservation:

Under the legislation, the U.S. Fish and Wildlife Service (FWS) would develop a permit to authorize incidental take, through the development of general permits for industrial sectors that have historically worked with FWS to minimize bird deaths under the MBTA. Permittees would implement best management practices and document compliance through a self-certification process that maximizes efficiency while incentivizing the development and use of practices that protect birds.

The legislation creates a mitigation fund to account for impacts to bird populations by directing resources to the North American Wetlands Conservation Act (NAWCA), or Neotropical Migratory Bird Conservation Act. The bill also exempts individuals acting in their own capacity outside of a commercial context, allows the use of civil penalties instead of only criminal penalties, and focuses on industrial activities known to kill large amounts of birds.

**For more information please contact Steve Holmer, [sholmer@abcbirds.org](mailto:sholmer@abcbirds.org), or Jennifer Cipolletti, [jcipolletti@abcbirds.org](mailto:jcipolletti@abcbirds.org).**