



# 118th Congress Legislative Priorities

## **Migratory Bird Protection Act /Migratory Bird Treaty Act Rulemaking**

Bill Number(s): [H.R.4833\\*](#)

Status: Awaiting Reintroduction/Regulation Under Review Prior to Public Comment

The Migratory Bird Treaty Act (MBTA) is a law that prohibits unauthorized take ("including killing, capturing, selling, trading, and transport") of protected migratory birds. Lawful take must be authorized through a permit issued by the Secretary of the Interior. The foundations of MBTA are four international conservation treaties, Canada in 1916, Mexico in 1936, Japan in 1972, and Russia in 1976, to which the U.S. is a party. Each time a treaty was added, the MBTA was amended to include it. so is the MBTA. Collectively these treaties and the subsequent MBTA law help combat indiscriminate slaughter and conserve migratory birds.

On December 3, 2021, a Trump administration rule went into effect that narrowed the scope of MBTA to intentional take. This legal reinterpretation meant that companies would not be held accountable for birds killed in accidents, like in an oil spill, for example. In March 2022, the Biden administration rescinded the Trump-era ruling and initiated a new rulemaking, which will soon publish a draft rule for public comment. This was good news; a rulemaking is needed to establish a durable take permitting system to protect declining bird populations under the MBTA.

In the 117th Congress, bird conservation champions former Congressman Alan Lowenthal and Rep. Brian Fitzpatrick (R-PA) introduced the Migratory Bird Protection Act (MBPA), which would have revised MBTA and established rules for incidental takes of birds. While this legislation did not pass, it outlines how an effective incidental general take permitting rule could be structured and implemented. A final administrative rule supported by legislation can revive a long bipartisan history of conserving migratory birds and reducing avoidable mortality.

## Farm Bill

Bill Number(s): [H.R.2\\*\\*](#)

Status: Awaiting Introduction

The Farm Bill authorizes the U.S. Department of Agriculture's food and agriculture programs and is among the most consequential pieces of legislation this year for birds. ABC is actively ensuring that bird conservation is considered, and offering new solutions to reverse the decline of grass-land birds. For more on ABC's Farm Bill priorities, see our [Bird Saver fact sheet](#).

The legislation is a package of bills with a wide scope ranging from food assistance to conservation. The last Farm Bill signed into law, the Agriculture Improvement Act of 2018, authorized \$428 billion in spending for a slate of programs. With that bill set to expire at the end of September, Congress is busy drafting a new bill to authorize funding beyond 2023.

Several areas of the Farm Bill have the potential to benefit birds. For example, the conservation title deals with the Conservation Reserve Program, the Environmental Quality Incentives Program, the Regional Conservation Partnership Program, the Agricultural Conservation Easement Program, and other programs that encourage improved land management and conservation. The Healthy Forest Reserve Program within the forestry title encourages climate friendly management activities to sequester carbon, benefiting birds.

## Federal Bird-Safe Buildings Act

Bill Number(s): [H.R.3781](#)

Status: Introduced in House

The Federal Bird Safe Buildings Act of 2023 is designed to make federal buildings more bird-friendly. The bill would amend title 40 of the United States Code (codified laws dealing with public buildings) to ensure that practices and strategies are implemented at certain public buildings to prevent bird collisions. Continuing their leadership from the last Congress, Reps. Morgan Griffith (R-VA) and Mike Quigley (D-IL) reintroduced the bill.

Bird-friendly buildings are needed because up to [one billion birds](#) die yearly in the United States from collisions with glass. Glass can reflect habitat, confusing birds and causing them to fly into windows and buildings. These collisions can stun, injure, and kill birds. Fortunately, solutions exist to mitigate these deadly collisions. External insect screens, tapes and decals, window films, and other creative solutions protect birds from colliding with glass.

## Migratory Birds of the Americas Conservation Enhancement Act

Bill Number: [H.R.4389](#)

Status: Introduced in House

The Migratory Birds of the Americas Conservation Enhancements Act of 2023 would ensure that the Neotropical Migratory Bird Conservation Act (NMBCA), a federal grants program for conserving migratory birds across the Americas, receives authorization for five more years. NMBCA is unlike many other federal grants in that projects abroad receive 75% of the funding. This is necessary to conserve wintering habitat outside of the U.S. The bill changes the match formula from a 3:1 to 2:1 requirement, and increases NMBCA's appropriations level from \$5 million annually to \$10 million by 2028. This will create more grant opportunities for diverse stakeholders to complete projects that conserve wintering habitat and allow birds to thrive.

## **Saving America's Pollinators Act**

Bill Number(s): [H.R. 4277](#)

Status: Introduced in House

Neonicotinoids and other pesticides are harmful to pollinators, including birds. Saving America's Pollinators Act would cancel registration of neonicotinoid pesticides, address their use as seed coatings, and ensure that government agencies, like the Environmental Protection Agency (EPA) further coordinate actions to protect pollinators.

ABC's 2013 report found that even small quantities of [neonics are deadly to birds](#). Songbirds can die from consuming just one neonic treated seed. Birds that aren't killed by neonics can become weak, have reproductive issues, and experience disrupted migratory pathways from exposure as identified in our 2023 follow-up. The Saving America's Pollinators Act would save birds and pollinators that are so integral to ecosystems and human food systems. The legislation was introduced in the House by Rep. Earl Blumenauer (D-OR).

## **Protect America's Children from Toxic Pesticides Act**

Bill Number(s): [S.269/H.R.5085](#)

Status: Introduced in House and Senate

The Protect America's Children from Toxic Pesticides Act would ensure that harmful chemicals are phased out of the farming system. Introduced by Sen. Cory Booker (D-NJ) and Rep. James McGovern (D-MA) the bill would amend the Federal Insecticide, Fungicide, and Rodenticide Act to cancel the registration of organophosphates, neonicotinoids, and paraquat. A process for individuals to submit petitions on active ingredients or dangerous pesticides would also be created.

Organophosphates, neonicotinoids, and paraquat are all [toxic to birds](#) causing neurotoxicity and organ malfunction. In addition to birds, these chemicals harm other wildlife and humans. Stopping their use is beneficial to ecosystems and human health. Bicameral introduction of this bill is a step in the right direction to combat the harm these chemicals cause.

## **Recovering America's Wildlife Act**

Bill Number(s): [S.1149](#)

Status: Introduced in Senate

Recovering America's Wildlife Act (RAWA) would proactively fund state and Tribal wildlife management plans, and provide a major one-time boost to endangered species recovery, advancing local conservation and protecting biodiversity. [Three billion birds](#) have vanished from the United States and Canada since 1970. RAWA would combat this looming extinction crisis with a historic \$1.4 billion annual investment in locally-led conservation initiatives. Sustained spending on wildlife will save money long-term by ensuring more costly recovery efforts are avoided. The funded management plans will restore habitats, create jobs, and support local communities, allowing wildlife to thrive.

This bill has strong bipartisan support and made great progress in the 117th Congress. This year, Sen. Thom Tillis (R-NC) joins Sen. Martin Heinrich (D-NM) to get this once-in-a-generation wildlife conservation bill through the Senate. RAWA awaits reintroduction in the House and floor votes in both chambers. The primary obstacle has been related to funding.



## North American Grassland Conservation Act

Bill Number(s): [S.4639](#)\*

Status: Awaiting Introduction

The North American Grassland Conservation Act would encourage landowner-driven grassland conservation efforts. It would accomplish this by establishing a North American Grassland Conservation Strategy, a voluntary, incentive-based conservation grant programing, and creating national and regional councils to approve conservation projects. The bill is modeled on the North American Wetlands Conservation Act, which has successfully conserved wetlands across the country.

Last Congress, Sen. Ron Wyden (D-OR) introduced this bill and Sens. Michael Bennet (D-CO) and Amy Klobuchar (D-MN) sponsored it. Now the bill awaits reintroduction. The legislation would benefit grasslands, birds, landowners, and other stakeholders like the hunters and anglers.

## Sustaining America's Fisheries for the Future Act

Bill Number(s): [H.R.4690](#)\*

Status: Awaiting Reintroduction

Sustaining America's Fisheries for the Future Act would update and reauthorize the Magnuson-Stevens Act (MSA) to better account for climate change, improve regional management, and help rebuild depleted fisheries. The MSA governs federal fisheries management and was last updated and reauthorized in 2007. 16 years later the bill is due for an update as ocean species, such as seabirds, continue to diminish.

Last Congress, Rep. Jared Huffman (D-CA) introduced this bill following two years of gathering stakeholder input from across the nation. This bill would ensure that fishery resources are managed better and conserve at risk species. Seabirds would especially benefit from the improvements the bill makes to bycatch data collection and reporting. [Bycatch](#), which is a leading threat to seabirds.

## Albatross and Petrel Conservation Act

Bill Number(s): [H.R.4057](#)\*

Status: Awaiting Reintroduction

The Albatross and Petrel Conservation Act would make the United States a participating party to the Agreement for the Conservation of Albatrosses and Petrels (ACAP). This international treaty protects 31 species of seabirds by reducing fisheries bycatch, and would bolster U.S. leadership on the issue.

Seabirds are the most threatened bird group, with about 30 percent threatened with extinction according to the International Union for Conservation of Nature's Red List. 15 of the world's 22 Albatross species, who spend the majority of their lives on the high seas, are considered Critically Endangered, Endangered or Vulnerable. The Albatross and Petrel Conservation Act would help conserve these at-risk species by extending already in use US best practices to other Pacific fishery nations. We encourage Congress to reintroduce this legislation soon.

## Save Our Seas 2.0 Amendments Act

Bill Number(s): [S.318/H.R.886](#)

Status: Awaiting Floor Votes in Both Chambers

Save Our Seas 2.0 Amendments Act would make technical changes to improve the administration of the Save Our Seas 2.0 Act, Marine Debris Act, and the congressionally-chartered Marine Debris Foundation, a nonprofit established by the Save Our Seas 2.0 Act to supplement the law's activities. Under the amended legislation, National Oceanic and Atmospheric Administration (NOAA) would have increased flexibility in delivering federal resources and establishing cooperative agreements for the prevention and cleanup of marine debris. Marine debris, especially plastic, is harmful to seabirds. Scientists estimate that [90 percent](#) of seabirds have ingested plastic.

In February 2023, Sens. Dan Sullivan (R-AK), Sheldon Whitehouse (D-RI) and Bob Menendez (D-NJ), and Reps. Suzanne Bonamici (D-OR) and Jenniffer González-Colón (R-Puerto Rico) reintroduced the Save Our Seas 2.0 Amendments Act.

Congress passed the Save Our Seas 2.0 Act in 2020 to tackle marine debris. The law expanded upon the Save Our Seas Act passed in 2018. The Save Our Seas Act amended and reauthorized the Marine Debris Act, passed in 2006, for four years. The Marine Debris Act requires the National Oceanic and Atmospheric Administration (NOAA) to identify, assess, remove, and prevent marine debris for the benefit of the economy, environment, and navigational safety. Put simply, the Save Our Seas 2.0 Act is the most comprehensive iteration of marine debris legislation to date.

\*Bill number from the 117th Congress

\*\*Bill passed during the 115th Congress

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