



HOUSE COMMITTEE ON
NATURAL RESOURCES
CHAIRMAN BRUCE WESTERMAN

To: Subcommittee on Water, Wildlife and Fisheries Republican Members
From: Subcommittee on Water, Wildlife and Fisheries staff,
Annick Miller (annick.miller@mail.house.gov) and Doug Levine
(doug.levine@mail.house.gov); x5-8331
Date: Wednesday, October 18th, 2023
Subject: Legislative Hearing on **H.R. 4389, H.R. 4770, and H.R. 5009**

The Subcommittee on Water, Wildlife and Fisheries will hold a legislative hearing on H.R. 4389 (Rep. Salazar), *Migratory Birds of the Americas Conservation Enhancements Act of 2023*; H.R. 4770 (Rep. Sarbanes), *Chesapeake Bay Science, Education, and Ecosystem Enhancement Act of 2023*; H.R. 5009 (Rep. Joyce), *WILD Act*, **on Wednesday, October 18, 2023, at 10:30 a.m. EDT in 1334 Longworth House Office Building.**

Member offices are requested to notify Thomas Shipman (thomas.shipman@mail.house.gov) by 4:30 p.m. on Tuesday, October 17, 2023, if their Member intends to participate in the hearing.

I. KEY MESSAGES

- The bills under consideration amend and reauthorize several U.S. Fish and Wildlife Service and National Oceanic and Atmospheric Administration (NOAA) programs.
- H.R. 4389 by Rep. Salazar reauthorizes the grant program that supports conservation of neotropical migratory birds in the United States, Canada, Latin America, and the Caribbean.
- H.R. 4770 by Rep. Sarbanes reauthorizes NOAA's Chesapeake Bay Office, which coordinates research and restoration efforts in the Chesapeake Bay.
- H.R. 5009 by Rep. Joyce reauthorizes the Partners for Fish and Wildlife Program, which provides technical and financial assistance to private landowners interested in improving wildlife habitat on their land, and the Multinational Species Conservation Fund which helps conserve some of the world's most iconic species.

II. WITNESSES

Panel I

- Members TBD

Panel II

- **Mr. Stephen Guertin**, Deputy Director for Program Management and Policy, U.S. Fish and Wildlife Service, Washington, D.C.
- **Ms. Carrie Selberg Robinson**, Director of the Office of Habitat Conservation, National Marine Fisheries Service, Washington, D.C.

- **Mr. Robert T. Caccese**, Director of Policy, Planning and Communications, Pennsylvania Fish and Boat Commission, Harrisburg, PA
- **Ms. Julie Wraithmell**, Vice President and Executive Director, Audubon Florida, Miami, FL
- **Mr. Ben Cassidy**, Executive Vice President for International Government and Public Affairs, Safari Club International, Washington, D.C.
- **Dr. Allison Colden**, Maryland Executive Director Chesapeake Bay Foundation, Annapolis, MD [*Minority Witness*]

III. BACKGROUND

H.R. 4389 (Rep. Maria Elvira Salazar, R-FL), “Migratory Birds of the Americas Conservation Enhancements Act of 2023.”

H.R. 4389 reauthorizes the Neotropical Migratory Bird Conservation Act, which expired at the end of Fiscal Year (FY) 2023, through FY 2028. The bill would increase the authorized funding level for the program incrementally each fiscal year and makes changes to the underlying Act by increasing the federal cost share and allowing for more administrative costs at the U.S. Fish and Wildlife Service (USFWS). The Act was last reauthorized by the John D. Dingell, Jr. Conservation, Management, and Recreation Act (P.L. 116-9) in 2019.¹

The Neotropical Bird Conservation Act was passed by Congress in 2000, with the first projects being funded in 2002.² Grants made available by the program are authorized to conserve habitat for 386 different species of migratory birds who spend winter months in Latin America or the Caribbean, and summer months in North America.³ By law, 75 percent of the funds made available under the act must go to fund projects in Latin America, the Caribbean, or Canada.⁴ According to the USFWS Fiscal Year (FY) 2024 budget justification, the Neotropical Bird Conservation Program has awarded 685 grants, totaling \$84 million taxpayer dollars since it was initiated.⁵

The program was authorized to be funded at \$6.5 million each year,⁶ but was funded by Congress at \$5.1 million in FY 2023.⁷ In FY 2024, the USFWS requested the program be funded at \$9.91 million due to a high demand for grants administered by the program. According to the USFWS, applicants requested nearly \$9 million in funding for projects in FY 2022.⁸ H.R. 4389 would incrementally increase the authorized appropriations for the program from \$6.5 million in

¹ [P.L. 116-9](#)

² U.S. Fish and Wildlife Service, Fiscal Year 2024 Budget Justifications. [fy2024-fws-greenbook.pdf-508.pdf](#)

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ [16 U.S.C. 6101 et. seq.](#)

⁷ U.S. Fish and Wildlife Service, Fiscal Year 2024 Budget Justifications. [fy2024-fws-greenbook.pdf-508.pdf](#)

⁸ *Id.*

FY 2024, to \$7 million in FY 2025, then increase by \$1 million each year until it reaches \$10 million in FY 2028.

The legislation would increase the federal cost share of the program from 25 percent to 33.3 percent and would allow USFWS to retain up to \$200,000 in program funds for administrative expenses. H.R. 4389, as introduced, does not contain an offset for the increase in authorizations of appropriations. An offset is required to make the legislation compliant with current House floor protocols. The bill has twelve bi-partisan cosponsors, including WWF Subcommittee members Resident Commissioner Jenniffer Gonzalez-Colon (R-PR) and Rep. Mary Peltola (D-AK).

H.R. 4770 (Rep. John Sarbanes, D-MD), “Chesapeake Bay Science, Education, and Ecosystem Enhancement Act of 2023.”

The Chesapeake Bay is the nation’s largest estuary. The 64,000-square-mile watershed covers parts of Virginia, Maryland, Pennsylvania, Delaware, New York, West Virginia, and the District of Columbia.⁹

Congress established a National Oceanic and Atmospheric Administration (NOAA) Chesapeake Bay Office (NCBO) in 1992 to coordinate NOAA research and restoration efforts in the Chesapeake Bay.¹⁰ The NCBO was last reauthorized in 2002, and its funding authorization expired in 2006.¹¹ H.R. 4770 would reauthorize the NCBO through FY 2027. Specifically, the bill would authorize funding for the NCBO starting at \$17 million in FY 2024, increasing annually until reaching \$22.627 million in FY 2027. In FY 2023, NCBO received \$7.6 million. As currently written, does not contain an offset for the increase in authorizations of appropriations. An offset is required to make the legislation compliant with current House floor protocols.

The bill would allow the NCBO to collaborate with universities, nonprofits, and other stakeholders to promote integrated coastal observations and information sharing. It would also authorize the Chesapeake Bay Watershed Education and Training (B-WET) program to provide educational grants related to Bay restoration for K-12 audiences.¹²

In addition, H.R. 4770 establishes a Chesapeake Bay Coastal Living Resources Management and Habitat Program within the NCBO. The focus of this program is to provide grants and technical assistance for oyster research and restoration, habitat mapping and restoration and other activities that improve Chesapeake Bay habitats.

This bill has three cosponsors, including WWF Subcommittee members Rep. Rob Wittman (R-VA) and Rep. Jen Kiggans (R-VA). A previous version of this bill was introduced in the 117th

⁹ Pervaze A. Sheikh and Laura Gatz, CRS, IF10627, In Focus: Ecosystem Restoration of the Chesapeake Bay (updated July 5, 2017), <https://crsreports.congress.gov/product/pdf/IF/IF10627>

¹⁰ Section 307 of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (15 U.S.C. 1511d), P.L. 102–567

¹¹ Hydrographic Services Improvement Act Amendments of 2002, P.L. 107-372

¹² Bay Watershed Education and Training (B-WET) <https://www.noaa.gov/office-education/bwet>

Congress and was marked up by the House Committee on Natural Resources, passing the committee by voice vote. The bill did not receive floor consideration.

H.R. 5009 (Rep. David Joyce, R-OH), “WILD Act.”

H.R. 5009 would reauthorize, at existing authorization of appropriations levels, the Partners for Fish and Wildlife Program (PFWP) and the programs that make up the Multinational Species Conservation Fund (MSCF) through FY 2028. These programs expired at the end of FY 2023. These programs were last reauthorized by the John D. Dingell, Jr. Conservation, Management, and Recreation Act (P.L. 116-9) in 2019.¹³

The PFWP “provides free technical and financial assistance to landowners, managers, tribes, corporations, schools and nonprofits interested in improving wildlife habitat on their land.”¹⁴ The PFWP was started by USFWS in 1987 and authorized by Congress in 2006 as a part of the Partners for Fish and Wildlife Act.¹⁵ The PFWP is currently authorized at \$75 million annually, but has been funded by Congress at lower levels, with Congress appropriating \$60.2 million for the program in FY 2023.¹⁶ There have been 1,847 projects completed across the country through the PFWP.¹⁷ Since its inception, the PFWP has restored more than 7 million acres of habitat, while leveraging private dollars at a 4:1 ratio compared to taxpayer dollars.¹⁸

The MSCF is made up of five subaccounts: the African Elephant Conservation Fund, the Asian Elephant Conservation Fund, the Rhinoceros and Tiger Conservation Fund, the Great Ape Conservation Fund, and the Marine Turtle Conservation Fund.¹⁹ The Rhinoceros and Tiger Conservation Fund is authorized at \$10 million each fiscal year, with the other four funds each being authorized at \$5 million per fiscal year.²⁰ These programs also derive funding from the Multinational Species Conservation Fund Semipostal Stamp, with the sales proceeds from the stamp being divided equally among the funds.²¹

These funds have provided over \$92.5 million through grants and cooperative agreements for conservation projects in 54 countries, while leveraging \$200 million in private matching contributions.²² In FY 2023, Congress authorized \$21 million combined for the five funds and in FY 2024, the USFWS requested \$22 million (a \$200,000 increase for each fund).²³ The USFWS’ stated intent with the requested increase is to fund more projects that increase habitat, decrease human-conflict, and reduce trafficking and poaching operations for the respective species.²⁴

¹³ [P.L. 116-9](#)

¹⁴ “Partners for Fish and Wildlife Program.” U.S. Fish and Wildlife Service. [Partners for Fish and Wildlife | U.S. Fish & Wildlife Service \(fws.gov\)](#)

¹⁵ [P.L. 109-294](#)

¹⁶ U.S. Fish and Wildlife Service, Fiscal Year 2024 Budget Justifications. [fy2024-fws-greenbook.pdf-508.pdf](#)

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ [P.L. 116-9](#)

²¹ U.S. Fish and Wildlife Service, Fiscal Year 2024 Budget Justifications. [fy2024-fws-greenbook.pdf-508.pdf](#)

²² *Id.*

²³ *Id.*

²⁴ *Id.*

H.R. 5009 has eight bi-partisan cosponsors: Rep. Debbie Dingell (D-MI), Resident Commissioner Jenniffer Gonzalez-Colon (R-PR), Rep. Jim Costa (D-CA), Rep. Buddy Carter (R-GA), Rep. Mike Thompson (D-CA), Rep. Andrew Garbarino (R-NY), Rep. Melanie Stansbury (D-NM), and Rep. Mike Lawler (R-NY).

IV. MAJOR PROVISIONS

[H.R. 4389](#) (Rep. Maria Elvira Salazar, R-FL), “Migratory Birds of the Americas Conservation Enhancements Act of 2023.”

- Reauthorizes the Neotropical Migratory Bird Conservation Act through FY 2028.
- Increases the authorization of appropriations for the program from \$6.5 million in FY 2024 to \$10 million in FY 2028.
- Increases the federal cost share of the program from 25 percent to 33.3 percent.
- Requires a report to Congress within 180 days of enactment on the implementation of the act.

[H.R. 4770](#) (Rep. John Sarbanes, D-MD), “Chesapeake Bay Science, Education, and Ecosystem Enhancement Act of 2023.”

- Reauthorizes the NOAA Chesapeake Bay Office through FY 2027.
- Increases the authorization of appropriations for the program from \$17 million in FY 2024 to \$22.627 million in FY 2027.
- Authorizes a Chesapeake Bay Watershed Education and Training program.
- Authorizes a Chesapeake Bay Coastal Living Resources Management and Habitat Program.

[H.R. 5009](#) (Rep. David Joyce, R-OH), “WILD Act.”

- Reauthorizes, at existing authorization levels, the Partners for Fish and Wildlife Act through FY 2028.
- Reauthorizes, at existing authorization levels, the Multinational Species Conservation Fund through FY 2028.

V. COST

The Congressional Budget Office has not provided cost estimates for these bills.

VI. EFFECT ON CURRENT LAW

[H.R. 4389](#)

[H.R. 4770](#)

[H.R. 5009](#)