

May 14, 2021

The Honorable Rosa DeLauro  
Chairwoman  
Committee on Appropriations  
U.S. House of Representatives  
The Capitol H-307  
Washington, DC 20515

The Honorable Kay Granger  
Ranking Member  
Committee on Appropriations  
U.S. House of Representatives  
1016 Longworth House Office Building  
Washington, DC 20515

Dear Chairwoman DeLauro and Ranking Member Granger,

On behalf of our millions of members and supporters, we request that you provide the U.S. Fish and Wildlife Service funding to modernize implementation of the Migratory Bird Treaty Act in Fiscal Year 2022, in order help address the urgent conservation crisis facing birds and support additional opportunities to increase regulatory certainty under the law.

Our nation's bird populations are in peril, facing long-term declines and growing threats from climate change. Recent reports documented the decline of 3 billion birds in North America since 1970 and findings that two-thirds of our bird species are at risk from climate change. Despite these reports, longstanding and bipartisan protections for birds under the Migratory Bird Treaty Act (MBTA) were eliminated as a result of a 2017 Interior Department Solicitor's Opinion and subsequent rulemaking.

This policy received near unanimous and widespread opposition, including by state wildlife agencies, flyway councils, tribes, the Government of Canada, Members of Congress, and hundreds of thousands of Americans. Additionally, a federal district court ruled in August 2020 that the Solicitor's Opinion was unlawful and vacated the Opinion that forms the basis of the final regulation. Our organizations and many other stakeholders called on the U.S. Fish and Wildlife Service to reverse course and instead pursue a balanced approach that upholds the law and conservation intent of the underlying treaties, and at the same time, provide greater regulatory certainty under the MBTA.

The Biden administration has announced a proposed rulemaking that would revoke the recent regulation, and an intent to "develop common sense standards that can protect migratory birds and provide certainty to industry". We urge Congress to help support a process for updating the MBTA regulations by providing an additional \$1,000,000 in funding for establishing an incidental take authorization program. This program has the potential to benefit our declining and vulnerable bird populations, and also help facilitate smart and sustainable infrastructure, including vital clean energy development, for the years and decades ahead. Now is the time to address these critical issues, and Congressional support can ensure that the process will be effective and robust, and lead to a durable outcome on behalf of a broad set of stakeholders and our bird populations, and all of us that benefit from them.

Sincerely,

American Bird Conservancy  
Defenders of Wildlife  
National Audubon Society  
National Wildlife Federation  
Natural Resources Defense Council  
The Nature Conservancy  
The Wildlife Society