

AMENDMENT TO RULES COMMITTEE PRINT

114-32

OFFERED BY MR. MULLIN OF OKLAHOMA

At the end of subtitle D of title I of Division A of the bill, insert the following:

1 **SEC. ____ . ELIMINATION OF BARRIERS TO IMPROVE AT-**
2 **RISK BRIDGES.**

3 (a) **TEMPORARY AUTHORIZATION.—**

4 (1) **IN GENERAL.—**Until the Secretary of the
5 Interior takes the action described in subsection (b),
6 the take of nesting swallows to facilitate a construc-
7 tion project on a bridge eligible for funding under
8 title 23, United States Code, with any component
9 condition rating of 3 or less (as defined by the Na-
10 tional Bridge Inventory General Condition Guidance
11 issued by the Federal Highway Administration) is
12 authorized under the Migratory Bird Treaty Act (16
13 U.S.C. 703 et seq.) between April 1 and August 31.

14 (2) **MEASURES TO MINIMIZE IMPACTS.—**

15 (A) **NOTIFICATION BEFORE TAKING.—**

16 Prior to the taking of nesting swallows author-
17 ized under paragraph (1), any person taking

1 that action shall submit to the Secretary of the
2 Interior a document that contains—

3 (i) the name of the person acting
4 under the authority of paragraph (1) to
5 take nesting swallows;

6 (ii) a list of practicable measures that
7 will be undertaken to minimize or mitigate
8 significant adverse impacts on the popu-
9 lation of that species;

10 (iii) the time period during which ac-
11 tivities will be carried out that will result
12 in the taking of that species; and

13 (iv) an estimate of the number of
14 birds, by species, to be taken in the pro-
15 posed action.

16 (B) NOTIFICATION AFTER TAKING.—Not
17 later than 60 days after the taking of nesting
18 swallows authorized under paragraph (1), any
19 person taking that action shall submit to the
20 Secretary of the Interior a document that con-
21 tains the number of birds, by species, taken in
22 the action.

23 (b) AUTHORIZATION OF TAKE.—

24 (1) IN GENERAL.—The Secretary of the Inte-
25 rior, in consultation with the Secretary, shall pro-

1 mulgate a regulation under the authority of section
2 3 of the Migratory Bird Treaty Act (16 U.S.C. 704)
3 authorizing the take of nesting swallows to facilitate
4 bridge repair, maintenance, or construction—

5 (A) without individual permit require-
6 ments; and

7 (B) under terms and conditions determined
8 to be consistent with treaties relating to migra-
9 tory birds that protect swallow species occur-
10 ring in the United States.

11 (2) TERMINATION.—On the effective date of a
12 final rule under this subsection by the Secretary of
13 the Interior, subsection (a) shall have no force or ef-
14 fect.

15 (c) SUSPENSION OR WITHDRAWAL OF TAKE AU-
16 THORIZATION.—If the Secretary of the Interior, in con-
17 sultation with the Secretary, determines that taking of
18 nesting swallows carried out under the authority provided
19 in subsection (a)(1) is having a significant adverse impact
20 on swallow populations, the Secretary of the Interior may
21 suspend that authority through publication in the Federal
22 Register.

