TITLE 16—CONSERVATION

Chap. ...Sec.
1. National Parks, Military Parks, Monuments, and Seashores ...1
   1A. Historic Sites, Buildings, Objects, and Antiquities ...461
   1B. Archaeological Resources Protection ...470aa
   1C. Paleontological Resources Preservation ...470aaa
2. National Forests ...471
3. Forests; Forest Service; Reforestation; Management ...551
   3A. Unemployment Relief Through Performance of Useful Public Work [Omitted or Repealed] ...584
   3B. Soil Conservation ...590a
   3C. Water Conservation ...590r
4. Protection of Timber, and Depredations ...591
5. Protection of Fur Seals and Other Fur-Bearing Animals ...631
   5A. Protection and Conservation of Wildlife ...661
   5B. Wildlife Restoration ...669
   5C. Conservation Programs on Government Lands ...670a
6. Game and Bird Preserves; Protection ...671
7. Protection of Migratory Game and Insectivorous Birds ...701
8. Upper Mississippi River National Wildlife and Fish Refuge ...721
9. Fish and Wildlife Service ...741
   9A. Preservation of Fishery Resources ...755
   9B. National Fish Hatchery System Enhancement ...760aa
10. Northern Pacific Halibut Fishing ...761
   10A. Sockeye or Pink Salmon Fishing [Repealed] ...776
   10B. Fish Restoration and Management Projects ...777
   10C. Fish Research and Experimentation Program ...778
   10D. State Commercial Fisheries Research and Development Projects [Repealed] ...779
11. Regulation of Landing, Curing, and Sale of Sponges Taken From Gulf of Mexico and Straits of Florida ...781
12. Federal Regulation and Development of Power ...791
   12A. Tennessee Valley Authority ...831
   12B. Bonneville Project ...832
   12C. Fort Peck Project ...833
   12D. Columbia Basin Project ...835
   12E. Niagara Power Project ...836
   12F. Pacific Northwest Consumer Power Preference; Reciprocal Priority in Other Regions ...837
   12G. Pacific Northwest Federal Transmission System ...838
   12H. Pacific Northwest Electric Power Planning and Conservation ...839
13. Regulation of Transportation in Interstate or Foreign Commerce of Black Bass and Other Fish [Repealed] ...851
14. Regulation of Whaling ...901
   14A. Whale Conservation and Protection ...917
15. Predatory Sea Lampreys in the Great Lakes [Omitted] ...921
   15A. Great Lakes Fisheries ...931
   15B. Great Lakes Fish and Wildlife Restoration ...941
   15C. Great Lakes Fish and Wildlife Tissue Bank ...943
16. Tuna Conventions ...951
   16A. Atlantic Tuna Convention ...971
   16B. Eastern Pacific Tuna Fishing ...972
   16C. South Pacific Tuna Fishing ...973
17. Northwest Atlantic Fisheries [Repealed] ...981
18. Watershed Protection and Flood Prevention ...1001
   18A. Cooperative Watershed Management Program ...1015
19. North Pacific Fisheries [Repealed or Transferred] ...1021
20. National Fisheries Center and Aquarium ...1051
21. Prohibition of Foreign Fishing Vessels in the Territorial Waters of the United States [Repealed] ...1081
   21A. Fisheries Zone Contiguous to Territorial Sea of the United States [Repealed] ...1091
   21B. Prohibition of Certain Foreign Fishing Vessels in United States Fisheries [Omitted] ...1100
   21C. Offshore Shrimp Fisheries [Omitted] ...1100b
22. International Parks ...1101
23. National Wilderness Preservation System ...1131
24. Conservation and Protection of North Pacific Fur Seals ...1151
25. Jellyfish or Sea Nettles, Other Such Pests, and Seaweed in Coastal Waters: Control or Elimination ...1201
25A. Crown of Thorns Starfish ...1211
25B. Reefs for Marine Life Conservation ...1220
26. Estuarine Areas ...1221
27. National Trails System ...1241
27A. National Recreational Trails Fund ...1261
28. Wild and Scenic Rivers ...1271
29. Water Bank Program for Wetlands Preservation ...1301
30. Wild Horses and Burros: Protection, Management, and Control ...1331
31. Marine Mammal Protection ...1361
32. Marine Sanctuaries ...1431
32A. Regional Marine Research Programs ...1447
33. Coastal Zone Management ...1451
34. Rural Environmental Conservation Program [Repealed] ...1501
35. Endangered Species ...1531
36. Forest and Rangeland Renewable Resources Planning ...1600
37. Youth Conservation Corps and Public Lands Corps ...1701
38. Fishery Conservation and Management ...1801
39. Mining Activity Within National Park System Areas ...1901
40. Soil and Water Resources Conservation ...2001
41. Cooperative Forestry Assistance ...2101
42. Emergency Conservation Program ...2201
43. Public Transportation Programs for National Park System Areas ...2301
44. Antarctic Conservation ...2401
44A. Antarctic Marine Living Resources Convention ...2431
44B. Antarctic Mineral Resources Protection ...2461
45. Urban Park and Recreation Recovery Program ...2501
46. Public Utility Regulatory Policies ...2601
47. Small Hydroelectric Power Projects ...2701
48. National Aquaculture Policy, Planning, and Development ...2801
49. Fish and Wildlife Conservation ...2901
50. Chesapeake Bay Research Coordination [Omitted] ...3001
51. Alaska National Interest Lands Conservation ...3101
52. Salmon and Steelhead Conservation and Enhancement ...3301
53. Control of Illegally Taken Fish and Wildlife ...3371
54. Resource Conservation ...3401
55. Coastal Barrier Resources ...3501
56. North Atlantic Salmon Fishing ...3601
56A. Pacific Salmon Fishing ...3631
57. National Fish and Wildlife Foundation ...3701
57A. Partnerships for Wildlife ...3741
57B. Partners for Fish and Wildlife ...3771
58. Erodible Land and Wetland Conservation and Reserve Program ...3801
59. Wetlands Resources ...3901
59A. Wetlands ...3951
60. Fish and Seafood Promotion ...4001
61. Interjurisdictional Fisheries ...4101
62. African Elephant Conservation ...4201
62A. Asian Elephant Conservation ...4261
63. Federal Cave Resources Protection ...4301
64. North American Wetlands Conservation ...4401
65. International Forestry Cooperation ...4501
66. Take Pride in America Program ...4601
67. Aquatic Nuisance Prevention and Control ...4701
68. Pacific Yew Conservation and Management [Omitted or Repealed] ...4801
69. Wild Exotic Bird Conservation ...4901
70. North Pacific Anadromous Stocks Convention ...5001
71. Atlantic Coastal Fisheries Cooperative Management ...5101
71A. Atlantic Striped Bass Conservation ...5151
72. Recreational Hunting Safety ...5201
73. Rhinoceros and Tiger Conservation ...5301
74. National Maritime Heritage ...5401
75. High Seas Fishing Compliance ...5501
76. Northwest Atlantic Fisheries Convention ...5601
77. Yukon River Salmon ...5701
78. National Natural Resources Conservation Foundation ...5801
79. National Park Service Management ...5901
80. Neotropical Migratory Bird Conservation ...6101
81. User Fees Under Forest System Recreation Residence Program ...6201
81A. National Forest Organizational Camp Fee Improvement ...6231
82. Great Ape Conservation ...6301
83. Coral Reef Conservation ...6401
84. Healthy Forest Restoration ...6501
85. Marine Turtle Conservation ...6601
86. Southwest Forest Health and Wildfire Prevention ...6701
87. Federal Lands Recreation Enhancement ...6801
88. Western and Central Pacific Fisheries Convention ...6901
89. Pacific Whiting ...7001
90. Secure Rural Schools and Community Self-Determination ...7101
91. National Landscape Conservation System ...7201
92. Forest Landscape Restoration ...7301
CHAPTER 80—NEOTROPICAL MIGRATORY BIRD CONSERVATION

Sec.
6101. Findings.
6102. Purposes.
6103. Definitions.
6104. Financial assistance.
6105. Duties of the Secretary.
6106. Cooperation.
6107. Report to Congress.

§ 6101. Findings

Congress finds that—

(1) of the nearly 800 bird species known to occur in the United States, approximately 500 migrate among countries, and the large majority of those species, the neotropical migrants, winter in Latin America and the Caribbean but breed in Canada and the United States;

(2) neotropical migratory bird species provide invaluable environmental, economic, recreational, and aesthetic benefits to the United States, as well as to the Western Hemisphere;

(3) (A) many neotropical migratory bird populations, once considered common, are in decline, and some have declined to the point that their long-term survival in the wild is in jeopardy; and

(B) the primary reason for the decline in the populations of those species is habitat loss and degradation (including pollution and contamination) across the species’ range; and

(4) (A) because neotropical migratory birds range across numerous international borders each year, their conservation requires the commitment and effort of all countries along their migration routes; and

(B) although numerous initiatives exist to conserve migratory birds and their habitat, those initiatives can be significantly strengthened and enhanced by increased coordination.


Amendments


Short Title of 2006 Amendment

Pub. L. 109–363, title III, § 301, Oct. 17, 2006, 120 Stat. 2075, provided that: “This title [amending this section and sections 6102 to 6104 and 6106 to 6109 of this title and enacting provisions set out as notes under sections 6106 and 6108 of this title] may be cited as the ‘Neotropical Migratory Bird Conservation Improvement Act of 2006’.”

Short Title


§ 6102. Purposes

The purposes of this chapter are—

(1) to perpetuate healthy populations of neotropical migratory birds;
to assist in the conservation of neotropical migratory birds by supporting conservation initiatives in the United States, Canada, Latin America, and the Caribbean; and
(3) to provide financial resources and to foster international cooperation for those initiatives.


Amendments

§ 6103. Definitions
In this chapter:
(1) Fund
The term “Fund” means the Neotropical Migratory Bird Conservation Fund established by section 6108 (a) of this title.¹

(2) Caribbean
The term “Caribbean” includes Puerto Rico and the United States Virgin Islands.

(3) Conservation
The term “conservation” means the use of methods and procedures necessary to bring a species of neotropical migratory bird to the point at which there are sufficient populations in the wild to ensure the long-term viability of the species, including—
    (A) protection and management of neotropical migratory bird populations;
    (B) maintenance, management, protection, and restoration of neotropical migratory bird habitat;
    (C) research and monitoring;
    (D) law enforcement; and
    (E) community outreach and education.

(4) Fund
The term “Fund” means the Neotropical Migratory Bird Conservation Fund established by section 6108 (a) of this title.¹

(5) Secretary
The term “Secretary” means the Secretary of the Interior.

Footnotes
¹ So in original. Pars. (1) and (4) have identical text.


Amendments
2006—Par. (1). Pub. L. 109–363, § 302(h)(3)(A), added par. (1) and struck out former par. (1). Text read as follows: “The term ‘Account’ means the Neotropical Migratory Bird Conservation Account established by section 6108 (a) of this title.”

Pars. (2) to (5). Pub. L. 109–363, § 302(c), added pars. (2) and (4) and redesignated former pars. (2) and (3) as (3) and (5), respectively.
§ 6104. Financial assistance

(a) In general

The Secretary shall establish a program to provide financial assistance for projects to promote the conservation of neotropical migratory birds.

(b) Project applicants

A project proposal may be submitted by—

1. an individual, corporation, partnership, trust, association, or other private entity;
2. an officer, employee, agent, department, or instrumentality of the Federal Government, of any State, municipality, or political subdivision of a State, or of any foreign government;
3. a State, municipality, or political subdivision of a State;
4. any other entity subject to the jurisdiction of the United States or of any foreign country; and
5. an international organization (as defined in section 288 of title 22).

(c) Project proposals

To be considered for financial assistance for a project under this chapter, an applicant shall submit a project proposal that—

1. includes—
   A. the name of the individual responsible for the project;
   B. a succinct statement of the purposes of the project;
   C. a description of the qualifications of individuals conducting the project; and
   D. an estimate of the funds and time necessary to complete the project, including sources and amounts of matching funds;
2. demonstrates that the project will enhance the conservation of neotropical migratory bird species in the United States, Canada, Latin America, or the Caribbean;
3. includes mechanisms to ensure adequate local public participation in project development and implementation;
4. contains assurances that the project will be implemented in consultation with relevant wildlife management authorities and other appropriate government officials with jurisdiction over the resources addressed by the project;
5. demonstrates sensitivity to local historic and cultural resources and complies with applicable laws;
6. describes how the project will promote sustainable, effective, long-term programs to conserve neotropical migratory birds; and
7. provides any other information that the Secretary considers to be necessary for evaluating the proposal.

(d) Project reporting

Each recipient of assistance for a project under this chapter shall submit to the Secretary such periodic reports as the Secretary considers to be necessary. Each report shall include all information required by the Secretary for evaluating the progress and outcome of the project.

(e) Cost sharing

(1) Federal share

The Federal share of the cost of each project shall be not greater than 25 percent.

(2) Non-Federal share

   (A) Source
The non-Federal share required to be paid for a project shall not be derived from any Federal grant program.

(B) Form of payment

(i) Projects in the United States and Canada

The non-Federal share required to be paid for a project carried out in the United States or Canada shall be paid in cash.

(ii) Projects in Latin America and the Caribbean

The non-Federal share required to be paid for a project carried out in Latin America or the Caribbean may be paid in cash or in kind.

(Amendments)


Subsec. (e)(2)(B). Pub. L. 109–363, § 302(e), amended subpar. (B) generally. Prior to amendment, text read as follows:

“(i) Projects in the united states.—The non-Federal share required to be paid for a project carried out in the United States shall be paid in cash.

“(ii) Projects in foreign countries.—The non-Federal share required to be paid for a project carried out in a foreign country may be paid in cash or in kind.”

§ 6105. Duties of the Secretary

In carrying out this chapter, the Secretary shall—

(1) develop guidelines for the solicitation of proposals for projects eligible for financial assistance under section 6104 of this title;

(2) encourage submission of proposals for projects eligible for financial assistance under section 6104 of this title, particularly proposals from relevant wildlife management authorities;

(3) select proposals for financial assistance that satisfy the requirements of section 6104 of this title, giving preference to proposals that address conservation needs not adequately addressed by existing efforts and that are supported by relevant wildlife management authorities; and

(4) generally implement this chapter in accordance with its purposes.


........................................

§ 6106. Cooperation

(a) In general

In carrying out this chapter, the Secretary shall—

(I) support and coordinate existing efforts to conserve neotropical migratory bird species, through—

(A) facilitating meetings among persons involved in such efforts;

(B) promoting the exchange of information among such persons;

(C) developing and entering into agreements with other Federal agencies, foreign, State, and local governmental agencies, and nongovernmental organizations; and

(D) conducting such other activities as the Secretary considers to be appropriate; and
(2) coordinate activities and projects under this chapter with existing efforts in order to enhance conservation of neotropical migratory bird species.

(b) Advisory group

(1) In general

To assist in carrying out this chapter, the Secretary may convene an advisory group consisting of individuals representing public and private organizations actively involved in the conservation of neotropical migratory birds. The advisory group as a whole shall have expertise in the methods and procedures set forth in section 6103 (2) of this title in each country and region of the Western Hemisphere.

(2) Public participation

(A) Meetings

The advisory group shall—

(i) ensure that each meeting of the advisory group is open to the public; and

(ii) provide, at each meeting, an opportunity for interested persons to present oral or written statements concerning items on the agenda.

(B) Notice

The Secretary shall provide to the public timely notice of each meeting of the advisory group.

(C) Minutes

Minutes of each meeting of the advisory group shall be kept by the Secretary and shall be made available to the public.

(3) Exemption from Federal Advisory Committee Act

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory group.

Footnotes

1 So in original. Probably should be followed by a period.


References in Text


Amendments

2006—Subsec. (b)(1). Pub. L. 109–363 inserted at end “The advisory group as a whole shall have expertise in the methods and procedures set forth in section 6103 (2) of this title in each country and region of the Western Hemisphere”.

Encouragement To Convene

Pub. L. 109–363, title III, § 302(f)(2), Oct. 17, 2006, 120 Stat. 2076, provided that: “The Secretary of the Interior is encouraged to convene an advisory group under section 7(b)(1) of such Act [Pub. L. 106–247, subsec. (b)(1) of this section] by not later than 6 months after the effective date of this Act [Oct. 17, 2006]. This paragraph shall not be considered to authorize delay of the schedule previously established by the United States Fish and Wildlife Service for the submission, judging, and awarding of grants.”
§ 6107. Report to Congress

Not later than 2 years after October 17, 2006, the Secretary shall submit to Congress a report on the results and effectiveness of the program carried out under this chapter, including recommendations concerning how the chapter might be improved and whether the program should be continued.


§ 6108. Neotropical Migratory Bird Conservation Fund

(a) Establishment

There is established in the Treasury a separate account, which shall be known as the “Neotropical Migratory Bird Conservation Fund”. The Fund shall consist of amounts deposited into the Fund by the Secretary of the Treasury under subsection (b).

(b) Deposits into the Fund

The Secretary of the Treasury shall deposit into the Fund—

1. all amounts received by the Secretary in the form of donations under subsection (d); and
2. other amounts appropriated to the Fund.

(c) Use

1. In general

Subject to paragraph (2), the Secretary may use amounts in the Account,\(^1\) without further Act of appropriation, to carry out this chapter.

2. Administrative expenses

Of amounts in the Account\(^1\) available for each fiscal year, the Secretary may expend not more than 3 percent or up to $100,000, whichever is greater, to pay the administrative expenses necessary to carry out this chapter.

(d) Acceptance and use of donations

The Secretary may accept and use donations to carry out this chapter. Amounts received by the Secretary in the form of donations shall be transferred to the Secretary of the Treasury for deposit into the Fund.

Footnotes

\(^1\) So in original. Probably should be “Fund”.

§ 6109. Authorization of appropriations

(a) In general

There is authorized to be appropriated to the Account 1 to carry out this chapter for each of fiscal years 2006 through 2010 the amount specified for that fiscal year in subsection (b), to remain available until expended, of which not less than 75 percent of the amounts made available for each fiscal year shall be expended for projects carried out outside the United States.

(b) Authorized amount

The amount referred to in subsection (a) is—

(1) $5,000,000 for each of fiscal years 2006 and 2007;
(2) $5,500,000 for fiscal year 2008;
(3) $6,000,000 for fiscal year 2009; and
(4) $6,500,000 for fiscal year 2010.

(c) Availability

Amounts appropriated under this section may remain available until expended.

(d) Allocation

Of amounts appropriated under this section for each fiscal year, not less than 75 percent shall be expended for projects carried out outside the United States.

Footnotes

1 So in original. Probably should be “Fund”.


Amendments

2006—Pub. L. 109–363 designated existing provisions as subsec. (a), inserted heading, substituted “for each of fiscal years 2006 through 2010 the amount specified for that fiscal year in subsection (b)” for “$5,000,000 for each of fiscal years 2001 through 2005”, and added subsecs. (b) to (d).