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16 USC Sec. 6101 01/06/03

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Sec. 6101. Findings

−STATUTE−

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;

(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.

−SOURCE−

(Pub. L. 106−247, Sec. 2, July 20, 2000, 114 Stat. 593.)

−MISC1−

SHORT TITLE

Pub. L. 106−247, Sec. 1, July 20, 2000, 114 Stat. 593, provided that: "This Act (enacting this chapter) may be cited as the 'Neotropical Migratory Bird Conservation Act'."

−CITE−

16 USC Sec. 6102 01/06/03

−EXPCITE−

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Sec. 6102. Purposes

−STATUTE−

The purposes of this chapter are −

(1) to perpetuate healthy populations of neotropical migratory birds;

(2) to assist in the conservation of neotropical migratory birds by supporting conservation initiatives in the United States, Latin America, and the Caribbean; and

(3) to provide financial resources and to foster international cooperation for those initiatives.

−SOURCE−

(Pub. L. 106−247, Sec. 3, July 20, 2000, 114 Stat. 593.)

−CITE−

16 USC Sec. 6103 01/06/03

−EXPCITE−

TITLE 16 − CONSERVATION

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Sec. 6103. Definitions

−STATUTE−

In this chapter:

(1) Account

The term "Account" means the Neotropical Migratory Bird Conservation Account established by section 6108(a) of this title.

(2) 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.

(3) Secretary

The term "Secretary" means the Secretary of the Interior.

−SOURCE−

(Pub. L. 106−247, Sec. 4, July 20, 2000, 114 Stat. 593.)

−CITE−

16 USC Sec. 6104 01/06/03

−EXPCITE−

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Sec. 6104. Financial assistance

−STATUTE−

(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, 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

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.

−SOURCE−

(Pub. L. 106−247, Sec. 5, July 20, 2000, 114 Stat. 594.)

−SECREF−

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6105 of this title.

−CITE−

16 USC Sec. 6105 01/06/03

−EXPCITE−

TITLE 16 − CONSERVATION

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Sec. 6105. Duties of the Secretary

−STATUTE−

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.

−SOURCE−

(Pub. L. 106−247, Sec. 6, July 20, 2000, 114 Stat. 595.)

−CITE−

16 USC Sec. 6106 01/06/03

−EXPCITE−

TITLE 16 − CONSERVATION

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Sec. 6106. Cooperation

−STATUTE−

(a) In general

In carrying out this chapter, the Secretary shall −

(1) 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.

(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.

−SOURCE−

(Pub. L. 106−247, Sec. 7, July 20, 2000, 114 Stat. 595.)

−REFTEXT−

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (b)(3), is Pub. L. 92−463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

−CITE−

16 USC Sec. 6107 01/06/03

−EXPCITE−

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Sec. 6107. Report to Congress

−STATUTE−

Not later than October 1, 2002, 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.

−SOURCE−

(Pub. L. 106−247, Sec. 8, July 20, 2000, 114 Stat. 596.)

−CITE−

16 USC Sec. 6108 01/06/03

−EXPCITE−

TITLE 16 − CONSERVATION

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Sec. 6108. Neotropical Migratory Bird Conservation Account

−STATUTE−

(a) Establishment

There is established in the Multinational Species Conservation Fund of the Treasury a separate account to be known as the "Neotropical Migratory Bird Conservation Account", which shall consist of amounts deposited into the Account by the Secretary of the Treasury under subsection (b) of this section.

(b) Deposits into the Account

The Secretary of the Treasury shall deposit into the Account −

(1) all amounts received by the Secretary in the form of donations under subsection (d) of this section; and

(2) other amounts appropriated to the Account.

(c) Use

(1) In general

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

(2) Administrative expenses

Of amounts in the Account available for each fiscal year, the Secretary may expend not more than 3 percent or up to $80,000, 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 Account.

−SOURCE−

(Pub. L. 106−247, Sec. 9, July 20, 2000, 114 Stat. 596.)

−SECREF−

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6103 of this title.

−CITE−

16 USC Sec. 6109 01/06/03

−EXPCITE−

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Sec. 6109. Authorization of appropriations

−STATUTE−

There is authorized to be appropriated to the Account to carry out this chapter $5,000,000 for each of fiscal years 2001 through 2005, 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.

−SOURCE−

(Pub. L. 106−247, Sec. 10, July 20, 2000, 114 Stat. 597.)

−CITE−