

title. Amounts received by the Secretary in the form of donations shall be transferred to the Secretary of the Treasury for deposit into the Fund.

(Pub. L. 105-96, §6, Nov. 19, 1997, 111 Stat. 2153; Pub. L. 107-141, §5(a)(2), Feb. 12, 2002, 116 Stat. 14.)

AMENDMENTS

2002—Pub. L. 107-141 substituted “Acceptance and use of donations” for “Asian Elephant Conservation Fund” as section catchline, struck out subsecs. (a) to (c), which related to establishment, deposits into, and use of the Asian Elephant Conservation Fund, redesignated subsec. (d) as entire section and struck out subsec. heading.

§ 4265a. Advisory group

(a) 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 Asian elephants.

(b) Public participation

(1) Meetings

The Advisory Group shall—

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

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

(2) Notice

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

(3) Minutes

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

(c) Exemption from Federal Advisory Committee Act

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

(Pub. L. 105-96, §7, as added Pub. L. 107-141, §4, Feb. 12, 2002, 116 Stat. 13.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (c), 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.

PRIOR PROVISIONS

A prior section 7 of Pub. L. 105-96 was renumbered section 8 and is classified to section 4266 of this title.

§ 4266. Authorization of appropriations

(a) In general

There is authorized to be appropriated to the Fund \$5,000,000 for each of fiscal years 2007 through 2012 to carry out this chapter, which may remain available until expended.

(b) Administrative expenses

Of amounts available each fiscal year to carry out this chapter, the Secretary may expend not

more than 3 percent or \$100,000, whichever is greater, to pay the administrative expenses necessary to carry out this chapter.

(Pub. L. 105-96, §8, formerly §7, Nov. 19, 1997, 111 Stat. 2153; renumbered §8 and amended Pub. L. 107-141, §§2-4, Feb. 12, 2002, 116 Stat. 13; Pub. L. 110-133, §2(b), (c), Dec. 6, 2007, 121 Stat. 1362.)

AMENDMENTS

2007—Subsec. (a). Pub. L. 110-133, §2(c), substituted “2007 through 2012” for “2001, 2002, 2003, 2004, 2005, 2006, and 2007”.

Subsec. (b). Pub. L. 110-133, §2(b), substituted “\$100,000” for “\$80,000”.

2002—Pub. L. 107-141, §3, designated existing provisions as subsec. (a), inserted heading, substituted “There is authorized” for “There are authorized”, and added subsec. (b).

Pub. L. 107-141, §2, substituted “2001, 2002, 2003, 2004, 2005, 2006, and 2007” for “1998, 1999, 2000, 2001, and 2002”.

CHAPTER 63—FEDERAL CAVE RESOURCES PROTECTION

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§ 4301. Findings, purposes, and policy

(a) Findings

The Congress finds and declares that—

(1) significant caves on Federal lands are an invaluable and irreplaceable part of the Nation’s natural heritage; and

(2) in some instances, these significant caves are threatened due to improper use, increased recreational demand, urban spread, and a lack of specific statutory protection.

(b) Purposes

The purposes of this chapter are—

(1) to secure, protect, and preserve significant caves on Federal lands for the perpetual use, enjoyment, and benefit of all people; and

(2) to foster increased cooperation and exchange of information between governmental authorities and those who utilize caves located on Federal lands for scientific, education, or recreational purposes.

(c) Policy

It is the policy of the United States that Federal lands be managed in a manner which protects and maintains, to the extent practical, significant caves.

(Pub. L. 100-691, §2, Nov. 18, 1988, 102 Stat. 4546.)

SHORT TITLE

Section 1 of Pub. L. 100-691 provided that: “This Act [enacting this chapter] may be referred to as the ‘Federal Cave Resources Protection Act of 1988’.”

LECHUGUILLA CAVE PROTECTION

Pub. L. 103-169, Dec. 2, 1993, 107 Stat. 1983, provided that:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Lechuguilla Cave Protection Act of 1993’.

“SEC. 2. FINDING.

“Congress finds that Lechuguilla Cave and adjacent public lands have internationally significant scientific, environmental, and other values, and should be retained in public ownership and protected against adverse effects of mineral exploration and development and other activities presenting threats to the areas.

“SEC. 3. LAND WITHDRAWAL.

“(a) WITHDRAWAL.—Subject to valid existing rights, all Federal lands within the boundaries of the cave protection area described in subsection (b) are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; from location, entry, and patent under the United States mining laws; and from disposition under all laws pertaining to mineral and geothermal leasing, and all amendments thereto.

“(b) LAND DESCRIPTION.—The cave protection area referred to in subsection (a) shall consist of approximately 6,280 acres of lands in New Mexico as generally depicted on the map entitled ‘Lechuguilla Cave Protection Area’ numbered 130/80,055 and dated April 1993.

“(c) PUBLICATION, FILING, CORRECTION, AND INSPECTION.—(1) As soon as practicable after the date of enactment of this Act [Dec. 2, 1993], the Secretary of the Interior (hereinafter referred to as the ‘Secretary’) shall publish in the Federal Register the legal description of the lands withdrawn under subsection (a) and shall file such legal description and a detailed map with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives.

“(2) Such map and legal description shall have the same force and effect as if included in this Act except that the Secretary may correct clerical and typographical errors.

“(3) Copies of such map and legal description shall be available for inspection in the appropriate offices of the Bureau of Land Management.

“SEC. 4. MANAGEMENT OF EXISTING LEASES.

“(a) SUSPENSION.—The Secretary shall not permit any new drilling on or involving any Federal mineral or geothermal lease within the cave protection area referred to in section 3(a) until the effective date of the Record of Decision for the Dark Canyon Environmental Impact Statement, or for 12 months after the date of enactment of this Act [Dec. 2, 1993], whichever occurs first.

“(b) AUTHORITY TO CANCEL EXISTING MINERAL OR GEOTHERMAL LEASES.—Upon the effective date of the Record of Decision for the Dark Canyon Environmental Impact Statement and in order to protect Lechuguilla Cave or other cave resources, the Secretary is authorized to—

“(1) cancel any Federal mineral or geothermal lease in the cave protection area referred to in section 3(a); or

“(2) enter into negotiations with the holder of a Federal mineral or geothermal lease in the cave protection area referred to in section 3(a) to determine appropriate compensation, if any, for the complete or partial termination of such lease.

“SEC. 5. ADDITIONAL PROTECTION AND RELATION TO OTHER LAWS.

“(a) IN GENERAL.—In order to protect Lechuguilla Cave or Federal lands within the cave protection area, the Secretary, subject to valid existing rights, may limit or prohibit access to or across lands owned by the United States or prohibit the removal from such lands of any mineral, geological, or cave resources: *Provided*, That existing access to private lands within the cave protection area shall not be affected by this subsection.

“(b) NO EFFECT ON PIPELINES.—Nothing in this title [Act] shall have the effect of terminating any validly

issued right-of-way, or customary operation, maintenance, repair, and replacement activities in such right-of-way; prohibiting the upgrading of and construction on existing facilities in such right-of-way for the purpose of increasing capacity of the existing pipeline; or prohibiting the renewal of such right-of-way within the cave protection area referred to in section 3(a).

“(c) RELATION TO OTHER LAWS.—Nothing in this Act shall be construed as increasing or diminishing the ability of any party to seek compensation pursuant to other applicable law, including but not limited to the Tucker Act (28 U.S.C. 1491), or as precluding any defenses or claims otherwise available to the United States in connection with any action seeking such compensation from the United States.

“SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

“There is hereby authorized to be appropriated such sums as may be necessary to carry out this Act: *Provided*, That no funds shall be made available except to the extent, or in such amounts as are provided in advance in appropriation Acts.”

§ 4302. Definitions

For purposes of this chapter:

(1) Cave

The term “cave” means any naturally occurring void, cavity, recess, or system of interconnected passages which occurs beneath the surface of the earth or within a cliff or ledge (including any cave resource therein, but not including any vug, mine, tunnel, aqueduct, or other manmade excavation) and which is large enough to permit an individual to enter, whether or not the entrance is naturally formed or manmade. Such term shall include any natural pit, sinkhole, or other feature which is an extension of the entrance.

(2) Federal lands

The term “Federal lands” means lands the fee title to which is owned by the United States and administered by the Secretary of Agriculture or the Secretary of the Interior.

(3) Indian lands

The term “Indian lands” means lands of Indian tribes or Indian individuals which are either held in trust by the United States for the benefit of an Indian tribe or subject to a restriction against alienation imposed by the United States.

(4) Indian tribe

The term “Indian tribe” means any Indian tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation as defined in, or established pursuant to, the Alaska Native Claims settlement¹ Act (43 U.S.C. 1601 et seq.).

(5) Cave resource

The term “cave resource” includes any material or substance occurring naturally in caves on Federal lands, such as animal life, plant life, paleontological deposits, sediments, minerals, speleogens, and speleothems.

(6) Secretary

The term “Secretary” means the Secretary of Agriculture or the Secretary of the Interior, as appropriate.

¹ So in original. Probably should be capitalized.