

the Director of the National Park Service, shall establish the National Cave and Karst Research Institute (referred to in this Act as the 'Institute').

“(b) PURPOSES.—The Institute shall, to the extent practicable, further the purposes of this Act.

“(c) LOCATION.—The Institute shall be located in the vicinity of Carlsbad Caverns National Park, in the State of New Mexico. The Institute shall not be located inside the boundaries of Carlsbad Caverns National Park.

“SEC. 4. ADMINISTRATION OF THE INSTITUTE.

“(a) MANAGEMENT.—The Institute shall be jointly administered by the National Park Service and a public or private agency, organization, or institution, as determined by the Secretary.

“(b) GUIDELINES.—The Institute shall be operated and managed in accordance with the study prepared by the National Park Service pursuant to section 203 of the Act entitled ‘An Act to conduct certain studies in the State of New Mexico’, approved November 15, 1990 (Public Law 101-578; 16 U.S.C. 4310 note).

“(c) CONTRACTS AND COOPERATIVE AGREEMENTS.—The Secretary may enter into a contract or cooperative agreement with a public or private agency, organization, or institution to carry out this Act.

“(d) FACILITY.—

“(1) LEASING OR ACQUIRING A FACILITY.—The Secretary may lease or acquire a facility for the Institute.

“(2) CONSTRUCTION OF A FACILITY.—If the Secretary determines that a suitable facility is not available for a lease or acquisition under paragraph (1), the Secretary may construct a facility for the Institute.

“(e) ACCEPTANCE OF GRANTS AND TRANSFERS.—To carry out this Act, the Secretary may accept—

“(1) a grant or donation from a private person; or

“(2) a transfer of funds from another Federal agency.

“SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated such sums as are necessary to carry out this Act.”

CONGRESSIONAL FINDINGS

Pub. L. 101-578, title II, §201, Nov. 15, 1990, 104 Stat. 2859, provided that: “The Congress makes the following findings:

“(1) The World’s most exposed fossil reef, Capitan Reef, in southern New Mexico that includes Carlsbad Caverns, contains over 300 caves, including 75 identified caves in Carlsbad Caverns National Park and 22 caves in Guadalupe Mountains National Park.

“(2) Recent explorations of Lechuguilla Cave at Carlsbad Caverns National Park have provided much new information about the wonders of this cave including the fact that it is the second deepest cave in the United States and contains outstanding world-class cave features such as gypsum crystal chandeliers and gypsum flowers.

“(3) The Lechuguilla Cave has been described by cave researchers as possibly the finest cave in America.

“(4) The interest and excitement of cave researchers throughout the world have been focused on Carlsbad Caverns National Park.

“(5) Cave researchers could use this research institute as an operational base for study of caves in other regions and as a focal point for storage of data on cave geology and speleology.

“(6) The Congress, with the passage of Public Law 100-691, the Federal Cave Resources Protection Act of 1988 [16 U.S.C. 4301 et seq.], recognized the significance of cave resources on Federal lands and established the policy that Federal lands be managed in a manner which protects and maintains, to the extent practicable, significant cave resources.”

CAVE RESEARCH INSTITUTE STUDY

Pub. L. 101-578, title II, §203, Nov. 15, 1990, 104 Stat. 2860, directed Secretary of the Interior, not later than

one year after Nov. 15, 1990, to prepare and transmit to Congress a study on the feasibility of establishing a Cave Research Institute.

AUTHORIZATION OF APPROPRIATIONS

Pub. L. 101-578, title II, §204, Nov. 15, 1990, 104 Stat. 2860, provided that: “There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title [enacting this section and provisions set out as notes above].”

CHAPTER 64—NORTH AMERICAN WETLANDS CONSERVATION

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§ 4401. Findings and statement of purpose

(a) Findings

The Congress finds and declares that—

(1) the maintenance of healthy populations of migratory birds in North America is dependent on the protection, restoration, and management of wetland ecosystems and associated habitats in Canada, as well as in the United States and Mexico;

(2) wetland ecosystems provide essential and significant habitat for fish, shellfish, and other wildlife of commercial, recreational, scientific, and aesthetic values;

(3) almost 35 per centum of all rare, threatened, and endangered species of animals are dependent on wetland ecosystems;

(4) wetland ecosystems provide substantial flood and storm control values and can obviate the need for expensive manmade control measures;

(5) wetland ecosystems make a significant contribution to water availability and quality, recharging ground water, filtering surface runoff, and providing waste treatment;

(6) wetland ecosystems provide aquatic areas important for recreational and aesthetic purposes;

(7) more than 50 per centum of the original wetlands in the United States alone have been lost;

(8) wetlands destruction, loss of nesting cover, and degradation of migration and wintering habitat have contributed to long-term downward trends in populations of migratory bird species such as pintails, American bitterns, and black ducks;

(9) the migratory bird treaty obligations of the United States with Canada, Mexico, and

other countries require protection of wetlands that are used by migratory birds for breeding, wintering, or migration and are needed to achieve and to maintain optimum population levels, distributions, and patterns of migration;

(10) the 1988 amendments to the Fish and Wildlife Conservation Act of 1980 require the Secretary of the Interior to identify conservation measures to assure that nongame migratory bird species do not reach the point at which measures of the Endangered Species Act of 1973 [16 U.S.C. 1531 et seq.] are necessary;

(11) protection of migratory birds and their habitats requires long-term planning and the close cooperation and coordination of management activities by Canada, Mexico, and the United States within the framework of the 1916 and 1936 Migratory Bird Conventions and the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere;

(12) the North American Waterfowl Management Plan, signed in 1986 by the Minister of Environment for Canada and the Secretary of the Interior for the United States and in 1994 by the Secretary of Sedesol for Mexico, provides a framework for maintaining and restoring an adequate habitat base to ensure perpetuation of populations of North American waterfowl and other migratory bird species;

(13) a tripartite agreement signed in March 1988, by the Director General for Ecological Conservation of Natural Resources of Mexico, the Director of the Canadian Wildlife Service, and the Director of the United States Fish and Wildlife Service, provides for expanded cooperative efforts in Mexico to conserve wetlands for migratory birds that spend the winter there;

(14) the long-term conservation of migratory birds and habitat for these species will require the coordinated action of governments, private organizations, landowners, and other citizens; and

(15) the treaty obligations of the United States under the Convention on Wetlands of International Importance especially as waterfowl habitat requires promotion of conservation and wise use of wetlands.

#### (b) Purpose

The purposes of this chapter are to encourage partnership among public agencies and other interests—

(1) to protect, enhance, restore, and manage an appropriate distribution and diversity of wetland ecosystems and habitats associated with wetland ecosystems and other fish and wildlife in North America;

(2) to maintain current or improved distributions of wetland associated migratory bird populations; and

(3) to sustain an abundance of waterfowl and other wetland associated migratory birds consistent with the goals of the North American Waterfowl Management Plan, the United States Shorebird Conservation Plan, the North American Waterbird Conservation Plan, the Partners In Flight Conservation Plans, and the international obligations contained in the

migratory bird treaties and conventions and other agreements with Canada, Mexico, and other countries.

(Pub. L. 101-233, §2, Dec. 13, 1989, 103 Stat. 1968; Pub. L. 107-308, §§3, 8(a)(1), (2), Dec. 2, 2002, 116 Stat. 2446, 2447.)

#### REFERENCES IN TEXT

The Fish and Wildlife Conservation Act of 1980, referred to in subsec. (a)(10), is Pub. L. 96-366, Sept. 29, 1980, 94 Stat. 1322, as amended, which is classified generally to chapter 49 (§2901 et seq.) of this title. In 1988, section 2912 of that chapter was enacted and section 2910 of that chapter was amended by Pub. L. 100-653, title VIII, Nov. 14, 1988, 102 Stat. 3833. For complete classification of this Act to the Code, see Short Title note set out under section 2901 of this title and Tables.

The Endangered Species Act of 1973, referred to in subsec. (a)(10), is Pub. L. 93-205, Dec. 28, 1973, 87 Stat. 884, as amended, which is classified generally to chapter 35 (§1531 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1531 of this title and Tables.

This chapter, referred to in subsec. (b), was in the original “this Act”, meaning Pub. L. 101-233, Dec. 13, 1989, 103 Stat. 1968, as amended, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

#### AMENDMENTS

2002—Subsec. (a)(1). Pub. L. 107-308, §3(a), substituted “and associated habitats” for “and other habitats”.

Subsec. (a)(10). Pub. L. 107-308, §8(a)(1), inserted “of 1973” after “Endangered Species Act”.

Subsec. (a)(12). Pub. L. 107-308, §8(a)(2), inserted “and in 1994 by the Secretary of Sedesol for Mexico” after “United States”.

Subsec. (b)(1). Pub. L. 107-308, §3(b)(1), substituted “and habitats associated with wetland ecosystems” for “and other habitats for migratory birds”.

Subsec. (b)(2). Pub. L. 107-308, §3(b)(2), inserted “wetland associated” before “migratory bird”.

Subsec. (b)(3). Pub. L. 107-308, §3(b)(3), inserted “wetland associated” before “migratory birds” and “, the United States Shorebird Conservation Plan, the North American Waterbird Conservation Plan, the Partners In Flight Conservation Plans,” after “North American Waterfowl Management Plan”.

#### SHORT TITLE OF 2006 AMENDMENT

Pub. L. 109-322, §1, Oct. 11, 2006, 120 Stat. 1756, provided that: “This Act [amending section 4406 of this title] may be cited as the ‘North American Wetlands Conservation Reauthorization Act of 2006’.”

#### SHORT TITLE OF 2002 AMENDMENT

Pub. L. 107-308, §1, Dec. 2, 2002, 116 Stat. 2446, provided that: “This Act [amending this section and sections 4402 to 4404, 4406, 4407, 4409, and 4413 of this title, enacting provisions set out as a note under section 4403 of this title, and amending provisions set out as a note under section 461 of this title] may be cited as the ‘North American Wetlands Conservation Reauthorization Act’.”

#### SHORT TITLE OF 1998 AMENDMENT

Pub. L. 105-312, title III, §301, Oct. 30, 1998, 112 Stat. 2958, provided that: “This title [amending sections 3744 and 4406 of this title and enacting provisions set out as a note under section 4403 of this title] may be cited as the ‘Wetlands and Wildlife Enhancement Act of 1998’.”

#### SHORT TITLE OF 1994 AMENDMENT

Pub. L. 103-375, §1, Oct. 19, 1994, 108 Stat. 3494, provided that: “This Act [enacting section 4414 of this title and amending sections 3742 to 3744, 3955, 4406, 4407, 4409,

and 4410 of this title] may be cited as the ‘North American Wetlands Conservation Act Amendments of 1994.’”

#### SHORT TITLE

Pub. L. 101-233, §1, Dec. 13, 1989, 103 Stat. 1968, provided that: “This Act [enacting this chapter, amending sections 669b, 669c, 703, 715a, 2912, and 3931 of this title, enacting provisions set out as a note under section 669b of this title, and amending provisions set out as a note under section 668dd of this title] may be cited as the ‘North American Wetlands Conservation Act’.”

#### § 4402. Definitions

For the purposes of this chapter:

(1) The term “Agreement” means the Tripartite Agreement signed in March 1988, by the Director General for Ecological Conservation of Natural Resources of Mexico, the Director of the Canadian Wildlife Service, and the Director of the United States Fish and Wildlife Service.

(2) The term “appropriate Committees” means the Committee on Environment and Public Works of the United States Senate and the Committee on Resources of the House of Representatives.

(3) The term “flyway” means the four administrative units used by the United States Fish and Wildlife Service and the States in the management of waterfowl populations.

(4) The term “Migratory Bird Conservation Commission” means that commission established by section 715a of this title.

(5) The term “migratory birds” means all wild birds native to North America that are in an unconfined state and that are protected under the Migratory Bird Treaty Act [16 U.S.C. 703 et seq.], including ducks, geese, and swans of the family Anatidae, species listed as threatened or endangered under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and species defined as nongame under the Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2901-2912).

(6) The term “Plan” means the North American Waterfowl Management Plan signed by the Minister of the Environment for Canada and the Secretary of the Interior for the United States in May 1986, and by the Secretary of Sedesol for Mexico in 1994, and subsequent dates.

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

(8) The term “State” means the State fish and wildlife agency, which shall be construed to mean any department, or any division of any department of another name, of a State that is empowered under its laws to exercise the functions ordinarily exercised by a State fish and wildlife agency.

(9) The term “wetlands conservation project” means—

(A) the obtaining of a real property interest in lands or waters, including water rights, of a wetland ecosystem and associated habitat if the obtaining of such interest is subject to terms and conditions that will ensure that the real property will be administered for the long-term conservation of such lands and waters and the migratory birds and other fish and wildlife dependent thereon;

(B) the restoration, management, or enhancement of wetland ecosystems and associated habitat for migratory birds and other fish and wildlife species if such restoration, management, or enhancement is conducted on lands and waters that are administered for the long-term conservation of such lands and waters and the migratory birds and other fish and wildlife dependent thereon; and

(C) in the case of projects undertaken in Mexico, includes technical training and development of infrastructure necessary for the conservation and management of wetlands and studies on the sustainable use of wetland resources.

(Pub. L. 101-233, §3, Dec. 13, 1989, 103 Stat. 1969; Pub. L. 107-308, §§4, 8(a)(3)-(5), Dec. 2, 2002, 116 Stat. 2446, 2447.)

#### REFERENCES IN TEXT

The Migratory Bird Treaty Act, referred to in par. (5), is act July 3, 1918, ch. 128, 40 Stat. 755, as amended, which is classified generally to subchapter II (§703 et seq.) of chapter 7 of this title. For complete classification of this Act to the Code, see section 710 of this title and Tables.

The Endangered Species Act of 1973, referred to in par. (5), is Pub. L. 93-205, Dec. 28, 1973, 87 Stat. 884, as amended, which is classified generally to chapter 35 (§1531 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1531 of this title and Tables.

The Fish and Wildlife Conservation Act of 1980, referred to in par. (5), is Pub. L. 96-366, Sept. 29, 1980, 94 Stat. 1322, as amended, which is classified generally to chapter 49 (§2901 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2901 of this title and Tables.

#### AMENDMENTS

2002—Par. (2). Pub. L. 107-308, §8(a)(3), substituted “Committee on Resources of the House of Representatives” for “Committee on Merchant Marine and Fisheries of the United States House of Representatives”.

Par. (5). Pub. L. 107-308, §8(a)(4), inserted “of 1973” after “Endangered Species Act”.

Par. (6). Pub. L. 107-308, §8(a)(5), inserted “, and by the Secretary of Sedesol for Mexico in 1994, and subsequent dates” after “1986”.

Par. (9)(A). Pub. L. 107-308, §4(1), inserted “of a wetland ecosystem and associated habitat” after “including water rights.”.

Par. (9)(B). Pub. L. 107-308, §4(2), substituted “and associated habitat” for “and other habitat”.

#### CHANGE OF NAME

Committee on Resources of House of Representatives changed to Committee on Natural Resources of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

#### § 4403. Establishment of North American Wetlands Conservation Council

##### (a) Council membership

(1) There shall be established a North American Wetlands Conservation Council (hereinafter in this chapter referred to as the “Council”) which shall consist of nine members who may not receive compensation as members of the Council. Of the Council members—

(A) one shall be the Director of the United States Fish and Wildlife Service, who shall be the responsible Federal official for ensuring