

(Pub. L. 106-247, §3, July 20, 2000, 114 Stat. 593; Pub. L. 109-363, title III, §302(b), Oct. 17, 2006, 120 Stat. 2075.)

#### Editorial Notes

##### AMENDMENTS

2006—Par. (2). Pub. L. 109-363 inserted “Canada,” after “United States,”.

### § 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.<sup>1</sup>

#### (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.<sup>1</sup>

#### (5) Secretary

The term “Secretary” means the Secretary of the Interior.

(Pub. L. 106-247, §4, July 20, 2000, 114 Stat. 593; Pub. L. 109-363, title III, §302(c), (h)(3)(A), Oct. 17, 2006, 120 Stat. 2075, 2076.)

#### Editorial Notes

##### 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.

<sup>1</sup> So in original. Pars. (1) and (4) have identical text.

**(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.

(Pub. L. 106-247, § 5, July 20, 2000, 114 Stat. 594; Pub. L. 109-363, title III, § 302(d), (e), Oct. 17, 2006, 120 Stat. 2076.)

**Editorial Notes**

## AMENDMENTS

2006—Subsec. (c)(2). Pub. L. 109-363, § 302(d), inserted “Canada,” after “United States.”

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.

(Pub. L. 106-247, § 6, July 20, 2000, 114 Stat. 595.)

**§ 6106. Cooperation****(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. 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<sup>1</sup>

**(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.

(Pub. L. 106-247, § 7, July 20, 2000, 114 Stat. 595; Pub. L. 109-363, title III, § 302(f)(1), Oct. 17, 2006, 120 Stat. 2076.)

**Editorial Notes**

## 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.

## 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”.

**Statutory Notes and Related Subsidiaries**

## 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

<sup>1</sup> So in original. Probably should be followed by a period.