


SUBCHAPTER IV—FEES FOR USE OF NATIONAL PARK SYSTEM


EFFECTIVE DATE OF REPEAL

Repeal effective Dec. 19, 2006, see section 6812(d) of this title.

SUBCHAPTER V—NATIONAL PARK PASSPORT PROGRAM


EFFECTIVE DATE OF REPEAL

Repeal effective Dec. 19, 2006, see section 6812(d) of this title.

SUBCHAPTER VI—MISCELLANEOUS PROVISIONS


CHAPTER 80—NEOTROPICAL MIGRATORY BIRD CONSERVATION

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§ 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 increased by increased coordination.


AMENDMENTS


Short Title of 2006 Amendment


Short Title


§ 6102. Purposes

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, 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.

(5) Secretary

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


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 Govern-

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

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 con-
sisting 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.

REFERENCES IN TEXT


AMENDMENTS

2006—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.

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

§ 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, 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 $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.

AMENDMENTS


1So in original. Probably should be "Fund".
Neotropical Migratory Bird Conservation Account immediately before the enactment of this Act [Oct. 17, 2006].”

§ 6109. Authorization of appropriations

(a) In general

There is authorized to be appropriated to the Account1 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.


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).

CHAPTER 81—USER FEES UNDER FOREST SYSTEM RECREATION RESIDENCE PROGRAM

Sec. 6201 to 6213. Repealed.

6214. Cabin user and transfer fees.


The Secretary of Agriculture (referred to in this section as the “Secretary”) shall establish a fee in accordance with this section for the issuance of a special use permit for the use and occupancy of National Forest System land for recreational residence purposes.

(b) Interim fee

During the period beginning on January 1, 2014, and ending on the last day of the calendar year during which the current appraisal cycle is completed under subsection (c), the Secretary shall assess an interim annual fee for recreational residences on National Forest System land that is an amount equal to the lesser of—

(1) the fee determined under the Cabin User Fee Fairness Act of 2000 (16 U.S.C. 6201 et seq.), subject to the requirement that any increase over the fee assessed during the previous year shall be limited to not more than 25 percent; or

(2) $5,600.

(c) Completion of current appraisal cycle

Not later than 1 year after December 19, 2014, the Secretary shall complete the current appraisal cycle, including receipt of timely second appraisals, for recreational residences on National Forest System land in accordance with the Cabin User Fee Fairness Act of 2000 (16 U.S.C. 6201 et seq.) (referred to in this section as the “current appraisal cycle”).

(d) Lot value

Only appraisals conducted and approved by the Secretary in accordance with the Cabin User...