

**Editorial Notes**

## AMENDMENTS

2024—Pub. L. 118–51 redesignated pars. (2) to (5) as (1) to (4), respectively, and struck out former par. (1). Prior to amendment, text of par. (1) read as follows: “The term ‘Fund’ means the Neotropical Migratory Bird Conservation Fund established by section 6108(a) of this title.”

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 33.3 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 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; Pub. L. 118–51, §2(a), Apr. 24, 2024, 138 Stat. 1005.)

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## AMENDMENTS

2024—Subsec. (e)(1). Pub. L. 118–51 substituted “33.3 percent” for “25 percent”.

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;