

(b) Fish and wildlife

Nothing in this chapter shall be construed as affecting the jurisdiction or responsibilities of the States with respect to fish and wildlife.

(Pub. L. 100-691, §10, Nov. 18, 1988, 102 Stat. 4551.)

§ 4310. Establishment of Cave Research Program**(a) Establishment**

In order to provide for needed research relating to cave resources on certain lands in the United States, the Secretary of the Interior, acting through the Director of the National Park Service shall establish and administer a Cave Research Program (hereinafter in this section referred to as the "Program"). The Program shall include the orderly and scholarly collection, analysis, and dissemination of research material related to caves in lands managed by the National Park Service including, but not limited to, Carlsbad Caverns National Park and the Capitan Reef area.

(b) Functions

The Program shall produce educational and interpretive information and materials vital to public understanding of cave geology, assist students and researchers, and provide for a comprehensive evaluation of cave resources and measures needed for their protection.

(c) Emphasis

The program¹ shall be directed primarily toward lands managed by the National Park Service, but the Secretary of the Interior may enter into cooperative agreements with other agencies or entities as may be appropriate to carry out the purposes of this section.

(Pub. L. 101-578, title II, §202, Nov. 15, 1990, 104 Stat. 2859.)

REFERENCES IN TEXT

This section, referred to in subsecs. (a) and (c), was in the original "this title" meaning title II of Pub. L. 101-578, Nov. 15, 1990, 104 Stat. 2859, which enacted this section and provisions set out as notes below. For complete classification of title II to the Code, see Tables.

CODIFICATION

Section was not enacted as part of the Federal Cave Resources Protection Act of 1988 which comprises this chapter.

NATIONAL CAVE AND KARST RESEARCH INSTITUTE

Pub. L. 105-325, Oct. 30, 1998, 112 Stat. 3038, provided that:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'National Cave and Karst Research Institute Act of 1998'.

"SEC. 2. PURPOSES.

"The purposes of this Act are—

- "(1) to further the science of speleology;
- "(2) to centralize and standardize speleological information;
- "(3) to foster interdisciplinary cooperation in cave and karst research programs;
- "(4) to promote public education;
- "(5) to promote national and international cooperation in protecting the environment for the benefit of cave and karst landforms; and

"(6) to promote and develop environmentally sound and sustainable resource management practices.

"SEC. 3. ESTABLISHMENT OF THE INSTITUTE.

"(a) IN GENERAL.—The Secretary of the Interior (referred to in this Act as the 'Secretary'), acting through 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. FUNDING.

"(a) MATCHING FUNDS.—The Secretary may spend only such amount of Federal funds to carry out this Act as is matched by an equal amount of funds from non-Federal sources.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this Act."

CONGRESSIONAL FINDINGS

Section 201 of Pub. L. 101-578 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

¹ So in original. Probably should be capitalized.

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

Section 203 of Pub. L. 101-578 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

Section 204 of title II of Pub. L. 101-578 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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| Sec. | |
| 4401. | Findings and statement of purpose. |
| | (a) Findings. |
| | (b) Purpose. |
| 4402. | Definitions. |
| 4403. | Establishment of North American Wetlands Conservation Council. |
| | (a) Council membership. |
| | (b) Appointment and terms. |
| | (c) Ex officio Council members. |
| | (d) Chairman. |
| | (e) Quorum. |
| | (f) Meetings. |
| | (g) Coordinator. |
| 4404. | Approval of wetlands conservation projects. |
| | (a) Consideration by Council. |
| | (b) Recommendations to Migratory Bird Conservation Commission. |
| | (c) Council procedures. |
| | (d) Council representation on Migratory Bird Conservation Commission. |
| | (e) Approval of Council recommendations by Migratory Bird Conservation Commission. |
| | (f) Notification of appropriate Committees. |
| 4405. | Conditions relating to wetlands conservation projects. |
| | (a) Projects in United States. |
| | (b) Projects in Canada or Mexico. |
| 4406. | Amounts available to carry out this chapter. |
| | (a) Omitted. |
| | (b) Migratory bird fines, penalties, forfeitures. |
| | (c) Authorization of appropriations. |
| | (d) Availability of funds. |
| 4407. | Allocation of amounts available to carry out this chapter. |
| | (a) Allocations. |
| | (b) Cost sharing. |
| | (c) Partial payments. |
| 4408. | Restoration, management, and protection of wetlands and habitat for migratory birds on Federal lands. |
| 4409. | Report to Congress. |
| 4410. | Revisions to Plan. |
| 4411. | Relationship to other authorities. |
| | (a) Acquisition of lands and waters. |
| | (b) Mitigation. |
| 4412. | Limitation on assessments against Migratory Bird Conservation Fund. |
| 4413. | Other agreements. |
| 4414. | Assessment of progress in wetlands conservation. |

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 3741 of this title.

§ 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