

(j) identify, prior to acquisition, existing compatible wildlife-dependent uses of new refuge lands that shall be permitted to continue on an interim basis pending completion of comprehensive planning.

SEC. 4. *Judicial Review.* This order does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers, or any person.

WILLIAM J. CLINTON.

### § 668ee. Definitions

For purposes of this Act:

(1) The term “compatible use” means a wildlife-dependent recreational use or any other use of a refuge that, in the sound professional judgment of the Director, will not materially interfere with or detract from the fulfillment of the mission of the System or the purposes of the refuge.

(2) The terms “wildlife-dependent recreation” and “wildlife-dependent recreational use” mean a use of a refuge involving hunting, fishing, wildlife observation and photography, or environmental education and interpretation.

(3) The term “sound professional judgment” means a finding, determination, or decision that is consistent with principles of sound fish and wildlife management and administration, available science and resources, and adherence to the requirements of this Act and other applicable laws.

(4) The terms “conserving”, “conservation”, “manage”, “managing”, and “management”, mean to sustain and, where appropriate, restore and enhance, healthy populations of fish, wildlife, and plants utilizing, in accordance with applicable Federal and State laws, methods and procedures associated with modern scientific resource programs. Such methods and procedures include, consistent with the provisions of this Act, protection, research, census, law enforcement, habitat management, propagation, live trapping and transplantation, and regulated taking.

(5) The term “Coordination Area” means a wildlife management area that is made available to a State—

(A) by cooperative agreement between the United States Fish and Wildlife Service and a State agency having control over wildlife resources pursuant to section 664 of this title; or

(B) by long-term leases or agreements pursuant to title III of the Bankhead-Jones Farm Tenant Act (50 Stat. 525; 7 U.S.C. 1010 et seq.).

(6) The term “Director” means the Director of the United States Fish and Wildlife Service or a designee of that Director.

(7) The terms “fish”, “wildlife”, and “fish and wildlife” mean any wild member of the animal kingdom whether alive or dead, and regardless of whether the member was bred, hatched, or born in captivity, including a part, product, egg, or offspring of the member.

(8) The term “person” means any individual, partnership, corporation, or association.

(9) The term “plant” means any member of the plant kingdom in a wild, unconfined state, including any plant community, seed, root, or other part of a plant.

(10) The terms “purposes of the refuge” and “purposes of each refuge” mean the purposes specified in or derived from the law, proclamation, executive order, agreement, public land order, donation document, or administrative memorandum establishing, authorizing, or expanding a refuge, refuge unit, or refuge subunit.

(11) The term “refuge” means a designated area of land, water, or an interest in land or water within the System, but does not include Coordination Areas.

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

(13) The terms “State” and “United States” mean the several States of the United States, Puerto Rico, American Samoa, the Virgin Islands, Guam, and the territories and possessions of the United States.

(14) The term “System” means the National Wildlife Refuge System designated under section 668dd(a)(1) of this title.

(15) The terms “take”, “taking”, and “taken” mean to pursue, hunt, shoot, capture, collect, or kill, or to attempt to pursue, hunt, shoot, capture, collect, or kill.

(Pub. L. 89-669, § 5, Oct. 15, 1966, 80 Stat. 929; Pub. L. 105-57, § 3(a), Oct. 9, 1997, 111 Stat. 1253.)

#### REFERENCES IN TEXT

This Act, referred to in text, means Pub. L. 89-669, Oct. 15, 1966, 80 Stat. 927, as amended, which enacted sections 668aa to 668ee, amended sections 460k, 696, 696b, 715c, 715i to 715k, 718d, and repealed sections 715d-1, 715d-2, 715l, 715m of this title. For complete classification of this Act to the Code, see Tables.

The Bankhead-Jones Farm Tenant Act, referred to in par. (5)(B), is act July 22, 1937, ch. 517, 50 Stat. 522, as amended. Title III of the Act is classified generally to subchapter III (§1010 et seq.) of chapter 33 of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 1000 of Title 7 and Tables.

#### AMENDMENTS

1997—Pub. L. 105-57 inserted section catchline and amended text generally. Prior to amendment, text read as follows:

“(a) The term ‘person’ as used in this Act means any individual, partnership, corporation, or association.

“(b) The terms ‘take’ or ‘taking’ or ‘taken’ as used in this Act mean to pursue, hunt, shoot, capture, collect, kill, or attempt to pursue, hunt, shoot, capture, collect, or kill.

“(c) The terms ‘State’ and the ‘United States’ as used in this Act mean the several States of the United States, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, and Guam.”

### §§ 668ff to 668jj. Omitted

Sections, Pub. L. 92-330, June 30, 1972, 86 Stat. 399, which established San Francisco Bay National Wildlife Refuge to be administered by Secretary of the Interior in accordance with the National Wildlife Refuge System Administration Act, have been omitted because of the limited scope of the subject matter. The San Francisco Bay National Wildlife Refuge [now Don Edwards San Francisco Bay National Wildlife Refuge] has been set out in the table of National Wildlife Refuges under section 668dd of this title.

### §§ 668kk to 668ss. Omitted

Sections, Pub. L. 94-466, Oct. 8, 1976, 90 Stat. 1992, which established Minnesota Valley National Wildlife

Refuge to be administered by Secretary of the Interior in accordance with the National Wildlife Refuge System Administration Act, have been omitted because of the limited scope of the subject matter. The Minnesota National Wildlife Refuge has been set out in the table of National Wildlife Refuges under section 668dd of this title.

**CHAPTER 5B—WILDLIFE RESTORATION**

- Sec.
- 669. Cooperation of Secretary of the Interior with States; conditions.
- 669a. Definitions.
- 669b. Authorization of appropriations.
- 669b-1. Authorization of appropriation of accumulated unappropriated receipts.
- 669c. Allocation and apportionment of available amounts.
- 669d. Apportionment; certification to States and Secretary of the Treasury; acceptance by States; disposition of funds not accepted.
- 669e. Submission and approval of plans and projects.
- 669f. Payment of funds to States; laws governing construction and labor.
- 669g. Maintenance of projects; expenditures for management of wildlife areas and resources.
- 669g-1. Payment of funds to and cooperation with Puerto Rico, Guam, American Samoa, Commonwealth of the Northern Mariana Islands, and Virgin Islands.
- 669h. Requirements and restrictions concerning use of amounts for expenses for administration.
- 669h-1. Firearm and bow hunter education and safety program grants.
- 669h-2. Multistate conservation grant program.
- 669i. Rules and regulations.
- 669j. Repealed.
- 669k. Reports and certifications.

**§ 669. Cooperation of Secretary of the Interior with States; conditions**

The Secretary of the Interior is authorized to cooperate with the States, through their respective State fish and game departments, in wildlife-restoration projects as hereinafter in this chapter set forth; but no money apportioned under this chapter to any State shall be expended therein until its legislature, or other State agency authorized by the State constitution to make laws governing the conservation of wildlife, shall have assented to the provision of this chapter and shall have passed laws for the conservation of wildlife which shall include a prohibition against the diversion of license fees paid by hunters for any other purpose than the administration of said State fish and game department, except that, until the final adjournment of the first regular session of the legislature held after September 2, 1937, the assent of the Governor of the State shall be sufficient. The Secretary of the Interior and the State fish and game department of each State accepting the benefits of this chapter, shall agree upon the wildlife-restoration projects to be aided in such State under the terms of this chapter and all projects shall conform to the standards fixed by the Secretary of the Interior.

(Sept. 2, 1937, ch. 899, § 1, 50 Stat. 917; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

**TRANSFER OF FUNCTIONS**

Reorg. Plan No. II of 1939, set out in the Appendix to Title 5, Government Organization and Employees,

transferred functions of Secretary of Agriculture relating to conservation of wildlife, game, and migratory birds to Secretary of the Interior.

**SHORT TITLE OF 2000 AMENDMENT**

Pub. L. 106-408, § 1(a), Nov. 1, 2000, 114 Stat. 1762, provided that: "This Act [see Tables for classification] may be cited as the 'Fish and Wildlife Programs Improvement and National Wildlife Refuge System Centennial Act of 2000'."

Pub. L. 106-408, title I, § 101(a), Nov. 1, 2000, 114 Stat. 1763, provided that: "This title [enacting sections 669h-1, 669h-2, 669k, 742b-1, and 777m of this title, amending sections 669c, 669d, 669g, 669h, 669i, 777c, 777d and 777h of this title and section 9504 of Title 26, Internal Revenue Code, enacting provisions set out as notes under this section and section 777 of this title, and repealing provisions set out as a note under section 777 of this title] may be cited as the 'Wildlife and Sport Fish Restoration Programs Improvement Act of 2000'."

**SHORT TITLE OF 1970 AMENDMENT**

Section 103 of title I of Pub. L. 91-503 provided that: "This title [amending section 669b and sections 669c to 669g-1 of this title] may be cited as the 'Federal Aid in Wildlife Restoration Act Amendments of 1970'."

**SHORT TITLE**

Act Sept. 2, 1937, ch. 899, § 13, as added by Pub. L. 106-408, title I, § 101(b), Nov. 1, 2000, 114 Stat. 1763, provided that: "This Act [enacting this chapter] may be cited as the 'Pittman-Robertson Wildlife Restoration Act'."

Act Sept. 2, 1937, ch. 899, as amended, is also popularly known as the "Federal Aid in Wildlife Restoration Act".

**STATEMENT OF PURPOSE AND DEFINITION IN PUB. L. 106-553**

Pub. L. 106-553, § 1(a)(2) [title IX, § 902(a), (b)], Dec. 21, 2000, 114 Stat. 2762, 2762A-119, provided that:

"(a) PURPOSES.—The purposes of this section [amending sections 669a, 669b, 669c, 669g, and 4406 of this title, and enacting provisions set out as notes under this section] are—

"(1) to extend financial and technical assistance to the States under the Federal Aid to [in] Wildlife Restoration Act [16 U.S.C. 669 et seq.] for the benefit of a diverse array of wildlife and associated habitats, including species that are not hunted or fished, to fulfill unmet needs of wildlife within the States in recognition of the primary role of the States to conserve all wildlife;

"(2) to assure sound conservation policies through the development, revision, and implementation of a comprehensive wildlife conservation and restoration plan;

"(3) to encourage State fish and wildlife agencies to participate with the Federal Government, other State agencies, wildlife conservation organizations and outdoor recreation and conservation interests through cooperative planning and implementation of this title [enacting section 1356a of Title 43, Public Lands, amending sections 669a, 669b, 669c, 669g, and 4406 of this title, and enacting provisions set out as notes under this section]; and

"(4) to encourage State fish and wildlife agencies to provide for public involvement in the process of development and implementation of a wildlife conservation and restoration program.

"(b) REFERENCE TO LAW.—In this section, the term 'Federal Aid in Wildlife Restoration Act' means the Act of September 2, 1937 (16 U.S.C. 669 et seq.), commonly referred to as the Federal Aid in Wildlife Restoration Act or the Pittman-Robertson Act."

**INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT**

Pub. L. 106-553, § 1(a)(2) [title IX, § 902(f)], Dec. 21, 2000, 114 Stat. 2762, 2762A-123, provided that: "Coordination