river, the appropriate Secretary shall treat the acquisition of fee title with the reservation of regular existing uses to the owner as a scenic easement for purposes of this chapter. Such an acquisition shall not constitute fee title ownership for purposes of section 1277(b) of this title.

(Pub. L. 90–542, § 16, formerly § 15, Oct. 2, 1968, 82 Stat. 918; Pub. L. 93–279, § 1(c), May 10, 1974, 88 Stat. 123; renumbered Pub. L. 96–487, title VI, § 606(a), Dec. 2, 1980, 94 Stat. 2416; Pub. L. 99–590, title V, § 510, Oct. 30, 1986, 100 Stat. 3337.)

AMENDMENTS

1986—Subsec. (c). Pub. L. 99–590 inserted provisions relating to function of appropriate Secretary with respect to acquisition of fee title.

1974—Subsec. (c). Pub. L. 93–279 substituted ''within the authorized boundaries of a component of the wild and scenic rivers system, for the purpose of protecting the natural qualities of a designated wild, scenic or recreational river area'' for ''for the purposes of protecting the scenic view from the river''.

§ 1287. Authorization of appropriations

There are hereby authorized to be appropriated, including such sums as have heretofore been appropriated, the following amounts for land acquisition for each of the rivers (described in section 1274(a) of this title):

Clearwater, Middle Fork, Idaho, $2,909,800;
Eleven Point, Missouri, $10,407,000;
Feather Middle Fork, California, $3,935,700;
Rio Grande, New Mexico, $253,000;
Rogue, Oregon, $15,147,000;
St. Croix, Minnesota and Wisconsin, $21,769,000;
Salmon Middle Fork, Idaho, $1,837,000;
Wolf, Wisconsin, $142,150.

(Pub. L. 90–542, § 17, formerly § 16, Oct. 2, 1968, 82 Stat. 918; Pub. L. 93–279, § 1(d), May 10, 1974, 88 Stat. 123; Pub. L. 94–273, § 2(11), Apr. 21, 1976, 90 Stat. 375; Pub. L. 95–625, title VII, §§ 751–754, 763(c), Nov. 10, 1978, 92 Stat. 3532, 3533; renumbered Pub. L. 96–487, title VI, § 606(a), Dec. 2, 1980, 94 Stat. 2416.)

AMENDMENTS

1978—Pub. L. 95–625, §§ 751–754, 763(c), increased appropriations authorization for the following rivers, substituting for:

Eleven Point, $10,407,000 for $4,906,500;
Rogue, $15,147,000 for $12,447,200;
Saint Croix, $21,769,000 for $11,768,550; and
Salmon, $1,837,000 for $1,237,100; and

struck out subsec. (a) designation and subsec. (b) which provided for expiration of authority to make authorized appropriations on Sept. 30, 1979.

1976—Subsec. (b). Pub. L. 94–273 substituted ''September'' for ''June''.

1974—Pub. L. 93–279 added subsecs. (a) and (b). Former unlettered provisions authorizing appropriation of amounts up to $17,000,000 for the acquisition of lands and interests in land were struck out.

CHAPTER 29—WATER BANK PROGRAM FOR WETLANDS PRESERVATION

Sec.
1301. Congressional declaration of policy; authority of Secretary.
1302. Conservation agreements to effectuate water bank program; duration and renewal; adjustment of payment rate for renewal period; ''wetlands'' defined; duration of ownership or control of land as determining eligibility for agreements; protection of and compensation for tenants and sharecroppers; participation by owner or operator in other Federal or State programs.
1303. Terms of agreement; required provisions.
1304. Annual payment; adjustment.
1305. Renewal or extension of agreement; participation of subsequent owner or operator in program.
1306. Termination or modification of agreements.
1307. Utilization of services and facilities.
1308. Advisory Board; appointment; functions; membership; reimbursement for expenses.
1309. Consultation with Secretary of the Interior; conformity of program with wetlands programs administered by Secretary of the Interior; consultation with and utilization of technical services of appropriate local, State, Federal, and private conservation agencies; coordination of programs.
1310. Authorization of appropriations; maximum amount of payments pursuant to agreements.
1311. Rules and regulations.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 3839 of this title; title 7 section 6962; title 26 section 126.

§ 1301. Congressional declaration of policy; authority of Secretary

The Congress finds that it is in the public interest to preserve, restore, and improve the wetlands of the Nation, and thereby to conserve surface waters, to preserve and improve habitat for migratory waterfowl and other wildlife resources, to reduce runoff, soil and wind erosion, and contribute to flood control, to contribute to improved water quality and reduce stream sedimentation, to contribute to improved subsurface moisture, to reduce acres of new land coming into production and to retire lands now in agricultural production, to enhance the natural beauty of the landscape, and to promote comprehensive and total water management planning. The Secretary of Agriculture (hereinafter in this chapter referred to as the ''Secretary'') is authorized and directed to formulate and carry out a continuous program to prevent the serious loss of wetlands, and to preserve, restore, and improve such lands, which program shall begin on July 1, 1971.

(Pub. L. 91–559, § 2, Dec. 19, 1970, 84 Stat. 1468.)

SHORT TITLE

Section 1 of Pub. L. 91–559 provided: ''That this Act [enacting this chapter] may be cited as the 'Water Bank Act'.''

§ 1302. Conservation agreements to effectuate water bank program; duration and renewal; adjustment of payment rate for renewal period; "wetlands" defined; duration of ownership or control of land as determining eligibility for agreements; protection of and compensation for tenants and sharecroppers; participation by owner or operator in other Federal or State programs

In effectuating the water bank program authorized by this chapter, the Secretary shall

have authority to enter into agreements with landowners and operators in important migratory waterfowl nesting and breeding areas for the conservation of water on specified farm, ranch, or other wetlands identified in a conservation plan developed in cooperation with the Soil and Water Conservation District in which the lands are located, under such rules and regulations as the Secretary may prescribe. These agreements shall be entered into for a period of ten years, with provision for renewal for additional periods of ten years each. The Secretary shall, beginning in 1980, reexamine the payment rates at the beginning of the fifth year of any such ten-year initial or renewal period and before the beginning of any renewal period, in the light of the then current land and crop values, and make needed adjustments in rates for any such initial or renewal period as provided in section 1304 of this title. In addition, the Secretary shall, beginning in 1980, reexamine the payment rates in any agreement that has been in effect for five years or more in the light of current land and crop values and make any needed adjustments in rates. As used in this chapter, the term ''wetlands'' means (1) the inland fresh areas described as types 1 through 7 in Circular 39, Wetlands of the United States, published by the United States Department of the Interior (or the inland fresh areas corresponding to such types in any successor wetland classification system developed by the Department of the Interior), (2) artificially developed inland fresh areas that meet the description of the inland fresh areas described in clause (1) of this sentence, and (3) such other wetland types as the Secretary may designate. No agreement shall be entered into under this chapter concerning land with respect to which the ownership or control has changed in the two-year period preceding the first year of the agreement period unless the new ownership was acquired by will or succession as a result of the death of the previous owner, or unless the new ownership was acquired prior to July 1, 1971, under other circumstances which the Secretary determines, and specifies by regulation, will give adequate assurance that such land was not acquired for the purpose of placing it in the program, except that this sentence shall not be construed to prohibit the continuation of an agreement by a new owner or operator after an agreement has once been entered into under this chapter. A person who has operated the land to be covered by an agreement under this chapter for as long as two years preceding the date of the agreement and who controls the land for the agreement period shall not be required to own the land as a condition of eligibility for entering into the agreement. Nothing in this section shall prevent an owner or operator from placing land in the program if the land was acquired by the owner or operator to replace eligible land from which he was displaced because of its acquisition by any Federal, State, or other agency having the right of eminent domain. The Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers, including provision for sharing, on a fair and equitable basis, in payments or compensation under this program. No provision of this chapter shall prevent an owner or operator who is participating in the program under this chapter from participating in other Federal or State programs designed to conserve or protect wetlands.

(Pub. L. 91–559, § 3, Dec. 19, 1970, 84 Stat. 1469; Pub. L. 96–182, §§ 1, 2, Jan. 2, 1980, 93 Stat. 1317.)

AMENDMENTS

1980—Pub. L. 96–182, in provisions relating to the reexamination of payment rates, substituted provisions requiring the Secretary to make such reexamination, beginning in 1980, at the beginning of the fifth year of any ten-year initial or renewal period and before the beginning of any renewal period, and make adjustments in accordance with section 1304 of this title, and in agreements in effect for five years or more, requiring the Secretary to make adjustments in the light of current land and crop values for provisions requiring reexamination and adjustment at the beginning of the ten-year renewal period only, and, in definition of ''wetlands'', designated existing provisions as cl. (1) and, among other changes, substituted types 1–7 for types 1–5, and added cls. (2) and (3).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1304 of this title.

§ 1303. Terms of agreement; required provisions

In the agreement between the Secretary and an owner or operator, the owner or operator shall agree—

(1) to place in the program for the period of the agreement eligible wetland areas he designates, which areas may include wetlands covered by a Federal or State government easement which permits agricultural use, together with such adjacent areas as determined desirable by the Secretary;

(2) not to drain, burn, fill, or otherwise destroy the wetland character of such areas, nor to use such areas for agricultural purposes, as determined by the Secretary;

(3) to effectuate the wetland conservation and development plan for his land in accordance with the terms of the agreement, unless any requirement thereof is waived or modified by the Secretary pursuant to section 1306 of this title;

(4) to forfeit all rights to further payments or grants under the agreement and refund to the United States all payments or grants received thereunder upon his violation of the agreement at any stage during the time he has control of the land subject to the agreement if the Secretary determines that such violation is of such a nature as to warrant termination of the agreement, or to make refunds or accept such payment adjustments as the Secretary may deem appropriate if he determines that the violation by the owner or operator does not warrant termination of the agreement;

(5) upon transfer of his right and interest in the lands subject to the agreement during the agreement period, to forfeit all rights to further payments or grants under the agreement and refund to the United States all payments or grants received thereunder during the year of the transfer unless the transferee of any such land agrees with the Secretary to assume all obligations of the agreement;

(6) not to adopt any practice specified by the Secretary in the agreement as a practice

which would tend to defeat the purposes of the agreement; and

(7) to such additional provisions as the Secretary determines are desirable and includes in the agreement to effectuate the purposes of the program or to facilitate its administration.

(Pub. L. 91–559, § 4, Dec. 19, 1970, 84 Stat. 1470.)

§ 1304. Annual payment; adjustment

In return for the agreement of the owner or operator, the Secretary shall (1) make an annual payment to the owner or operator for the period of the agreement at such rate or rates as the Secretary determines to be fair and reasonable in consideration of the obligations undertaken by the owner or operator; and (2) bear such part of the average cost of establishing and maintaining conservation and development practices on the wetlands and adjacent areas for the purposes of this chapter as the Secretary determines to be appropriate. In making his determination, the Secretary shall consider, among other things, the rate of compensation necessary to encourage owners or operators of wetlands to participate in the water bank program. The rate or rates of annual payments as determined hereunder shall be increased, by an amount determined by the Secretary to be appropriate, in relation to the benefit to the general public of the use of the wetland areas, together with designated adjacent areas, if the owner or operator agrees to permit, without other compensation, access to such acreage by the general public, during the agreement period, for hunting, trapping, fishing, and hiking, subject to applicable State and Federal regulations. The rates of annual payment shall be adjusted, to the extent provided for in advance by appropriation Acts, in accordance with section 1302 of this title.

(Pub. L. 91–559, § 5, Dec. 19, 1970, 84 Stat. 1470; Pub. L. 96–182, § 3, Jan. 2, 1980, 93 Stat. 1317.)

AMENDMENTS

1980—Pub. L. 96–182 inserted provisions that the rates of annual payment shall be adjusted, to the extent provided for in advance by appropriation acts, in accordance with section 1302 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1302 of this title.

§ 1305. Renewal or extension of agreement; participation of subsequent owner or operator in program

Any agreement may be renewed or extended at the end of the agreement period for an additional period of ten years by mutual agreement of the Secretary and the owner or operator, subject to any rate redetermination by the Secretary. If during the agreement period the owner or operator sells or otherwise divests himself of the ownership or right of occupancy of such land, the new owner or operator may continue such agreement under the same terms or conditions, or enter into a new agreement in accordance with the provisions of this chapter, including the provisions for renewal and adjustment of payment rates, or he may choose not to participate in such program.

(Pub. L. 91–559, § 6, Dec. 19, 1970, 84 Stat. 1471.)

ONE-YEAR EXTENSION OF AGREEMENTS

Pub. L. 103–393, Oct. 22, 1994, 108 Stat. 4105, provided that:

''SECTION 1. SHORT TITLE.

''This Act may be cited as the 'Water Bank Extension Act of 1994'.

''SEC. 2. SPECIAL AUTHORITY TO EXTEND WATER BANK ACT AGREEMENTS.

''(a) Subject to subsection (b), any agreement entered into under the Water Bank Act (16 U.S.C. 1301 et seq.) and due to expire on December 31, 1994, may be extended for 1 year under section 6 of the Water Bank Act (16 U.S.C. 1305).

''(b) The authority to extend Water Bank Act agreements under this Act may only be exercised to the extent that the amount available for obligation under the Wetlands Reserve Program (16 U.S.C. 1637 et seq.) [probably means 16 U.S.C. 3837 et seq.], and the amount used for the extension of Water Bank Act agreements under subsection (a), does not exceed $93,200,000 as provided for the Wetlands Reserve Program under the Agricultural, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1995 [Pub. L. 103–330, 108 Stat. 2453].''

§ 1306. Termination or modification of agreements

The Secretary may terminate any agreement by mutual agreement with the owner or operator if the Secretary determines that such termination would be in the public interest, and may agree to such modification of agreements as he may determine to be desirable to carry out the purposes of the program or facilitate its administration.

(Pub. L. 91–559, § 7, Dec. 19, 1970, 84 Stat. 1471.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1303 of this title.

§ 1307. Utilization of services and facilities

In carrying out the program, the Secretary may utilize the services of local, county, and State committees established under section 590h of this title. The Secretary is authorized to utilize the facilities and services of the Commodity Credit Corporation in discharging his functions and responsibilities under this program.

(Pub. L. 91–559, § 8, Dec. 19, 1970, 84 Stat. 1471.)

§ 1308. Advisory Board; appointment; functions; membership; reimbursement for expenses

The Secretary may, without regard to the civil service laws, appoint an Advisory Board to advise and consult on matters relating to his functions under this chapter as he deems appropriate. The Board shall consist of persons chosen from members of organizations such as wildlife organizations, land-grant colleges, farm organizations, State game and fish departments, soil and water conservation district associations, water management organizations, and representatives of the general public. Members of such an Advisory Board who are not regular full-time employees of the United States shall be entitled to reimbursement on an actual expense basis for attendance at Advisory Board meetings.

(Pub. L. 91–559, § 9, Dec. 19, 1970, 84 Stat. 1471.)

REFERENCES IN TEXT

The civil service laws, referred to in text, are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of Title 5.

TERMINATION OF ADVISORY BOARDS

Advisory boards in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a board established by the President or an officer of the Federal Government, such board is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a board established by the Congress, its duration is otherwise provided by law. See sections 3(2) and 14 of Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 1309. Consultation with Secretary of the Interior; conformity of program with wetlands programs administered by Secretary of the Interior; consultation with and utilization of technical services of appropriate local, State, Federal, and private conservation agencies; coordination of programs

The Secretary shall consult with the Secretary of the Interior and take appropriate measures to insure that the program carried out pursuant to this chapter is in harmony with wetlands programs administered by the Secretary of the Interior. He shall also, insofar as practicable, consult with and utilize the technical and related services of appropriate local, State, Federal, and private conservation agencies to assure coordination of the program with programs of such agencies and a solid technical foundation for the program.

(Pub. L. 91–559, § 10, Dec. 19, 1970, 84 Stat. 1471.)

§ 1310. Authorization of appropriations; maximum amount of payments pursuant to agreements

There are hereby authorized to be appropriated without fiscal year limitation, such sums as may be necessary to carry out the program authorized by this chapter. In carrying out the program, in each fiscal year through the fiscal year ending September 30, 1980, the Secretary shall not enter into agreements with owners and operators which would require payments to owners or operators in any calendar year under such agreements in excess of $10,000,000. In carrying out the program, in each fiscal year after the fiscal year ending September 30, 1980, the Secretary shall not enter into agreements with owners and operators which would require payments to owners or operators in any calendar year under such agreements in excess of $30,000,000. Not more than 15 percent of the funds authorized to be appropriated in any fiscal year after the fiscal year ending September 30, 1980, may be used for agreements entered into with owners or operators in any one State.

(Pub. L. 91–559, § 11, Dec. 19, 1970, 84 Stat. 1471; Pub. L. 96–182, § 4, Jan. 2, 1980, 93 Stat. 1317.)

AMENDMENTS

1980—Pub. L. 96–182 limited restrictions on Secretary's authority to enter into agreements in excess of $10,000,000 to each fiscal year through fiscal year ending Sept. 30, 1980, and inserted restrictions relating to agreements in excess of $30,000,000 for each fiscal year after fiscal year ending Sept. 30, 1980, and that not more than 15 percent of the funds authorized to be appropriated in any fiscal year after fiscal year ending Sept. 30, 1980, may be used for agreements entered into with owners or operators in any one State.

§ 1311. Rules and regulations

The Secretary shall prescribe such regulations as he determines necessary and desirable to carry out the provisions of this chapter.

(Pub. L. 91–559, § 12, Dec. 19, 1970, 84 Stat. 1471.)

CHAPTER 30—WILD HORSES AND BURROS: PROTECTION, MANAGEMENT, AND CONTROL

Sec.
1331. Congressional findings and declaration of policy.
1332. Definitions.
1333. Powers and duties of Secretary.
(a) Jurisdiction; management; ranges; ecological balance objectives; scientific recommendations; forage allocation adjustments.
(b) Inventory and determinations; consultation; overpopulation; research study: submittal to Congress.
(c) Title of transferee to limited number of excess animals adopted for requisite period.
(d) Loss of status as wild free-roaming horses and burros; exclusion from coverage.
1334. Private maintenance; numerical approximation; strays on private lands: removal; destruction by agents.
1335. Recovery rights.
1336. Cooperative agreements; regulations.
1337. Joint advisory board; appointment; membership; functions; qualifications; reimbursement limitations.
1338. Criminal provisions.
(a) Violations; penalties; trial.
(b) Arrest; appearance for examination or trial; warrants: issuance and execution.
1338a. Transportation of captured animals; procedures and prohibitions applicable.
1339. Limitation of authority.
1340. Joint report to Congress; consultation and coordination of implementation, enforcement, and departmental activities; studies.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 43 section 1901.

§ 1331. Congressional findings and declaration of policy

Congress finds and declares that wild free-roaming horses and burros are living symbols of the historic and pioneer spirit of the West; that they contribute to the diversity of life forms within the Nation and enrich the lives of the American people; and that these horses and burros are fast disappearing from the American scene. It is the policy of Congress that wild free-roaming horses and burros shall be protected from capture, branding, harassment, or death; and to accomplish this they are to be considered in the area where presently found, as an integral part of the natural system of the public lands.

(Pub. L. 92–195, § 1, Dec. 15, 1971, 85 Stat. 649.)

SHORT TITLE

Pub. L. 92–195, Dec. 15, 1971, 85 Stat. 649, which enacted this chapter, is popularly known as the ''Wild Free-Roaming Horses and Burros Act''.