ilof Islands and care of natives thereof, to Department of the Interior.

Reorg. Plan No. III of 1940, § 3, eff. June 30, 1940, 5 F.R. 2108, 54 Stat. 1232, set out in the Appendix to Title 5, consolidated Bureau of Fisheries and Bureau of Biological Survey with their respective functions into one agency in Department of the Interior to be known as Fish and Wildlife Service, and abolished office of Commissioner and Deputy Commissioner of Fisheries and transferred their functions to the consolidated agency.

RESPONSIBILITY FOR MATTERS RELATING TO SEALS

Bureau of Commercial Fisheries within the Fish and Wildlife Service as responsible for matters relating to commercial fisheries and to seals, see section 742b of this title.

§ 656. Agents; administering oaths and taking testimony

The agents are empowered to administer oaths in all cases relating to the service of the United States, and to take testimony in Alaska for the use of the Government in any matter concerning the public revenue.

(R.S. § 1976.)

CODIFICATION

R.S. § 1976 derived from act Mar. 5, 1872, ch. 31, § 3, 17 Stat. 35.

§ 657. Repealed. Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 632

Section, R.S. § 1974; act June 10, 1921, ch. 18, § 304, 42 Stat. 204, related to traveling expenses for persons charged with management of seal fisheries in Alaska.

§ 658. Repealed. Feb. 26, 1944, ch. 65, § 18, 58 Stat. 104

Section, acts Apr. 21, 1910, ch. 183, § 9, 36 Stat. 328; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736; 1939 Reorg. Plan No. II, § 4(e), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433, related to additional officers and agents to enforce seal fisheries law.

§ 659. Sea lions; acts prohibiting killing repealed

All Acts and parts of Acts making it unlawful to kill sea lions, as game animals or otherwise, in the waters of the Territory of Alaska are repealed.

(June 16, 1934, ch. 556, 48 Stat. 976; 1939 Reorg. Plan No. II, § 4(e), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; Oct. 21, 1972, Pub. L. 92–522, title I, § 113(b), 86 Stat. 1042.)

AMENDMENTS

1972—Pub. L. 92–522 struck out proviso prohibiting killing of sea lions in waters of Alaska except under rules and regulations prescribed by Secretary of the Interior.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

Reorg. Plan No. II of 1939, set out in the Appendix to Title 5, transferred Bureau of Fisheries in Department of Commerce, and its functions and functions of Secretary of Commerce relating to protection of fur seals and other fur-bearing animals and supervision of Pribilof Islands and care of natives thereof, to Department of the Interior.

ADMISSION OF ALASKA AS STATE

Admission of Alaska into the Union was accomplished Jan. 3, 1959, on issuance of Proc. No. 3269, Jan. 3, 1959, 24 F.R. 81, 73 Stat. c16, as required by sections 1 and 8(c) of Pub. L. 85–508, July 7, 1958, 72 Stat. 339, set out as notes preceding section 21 of Title 48, Territories and Insular Possessions.

CHAPTER 5A—PROTECTION AND CONSERVATION OF WILDLIFE

SUBCHAPTER I—GAME, FUR-BEARING ANIMALS, AND FISH

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668. Bald and golden eagles.

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(a) Designation; administration; continuance of resources-management-programs for refuge lands in Alaska; disposal of acquired lands; proceeds.
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(d) Use of areas; administration of migratory bird sanctuaries as game taking areas; rights of way, easements, and reservations; payment of fair market value.
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SUBCHAPTER I—GAME, FUR-BEARING ANIMALS, AND FISH

§ 661. Declaration of purpose; cooperation of agencies; surveys and investigations; donations

For the purpose of recognizing the vital contribution of our wildlife resources to the Nation, the increasing public interest and significance thereof due to expansion of our national economy and other factors, and to provide that wildlife conservation shall receive equal consideration and be coordinated with other features of water-resource development programs through the effectual and harmonious planning, development, maintenance, and coordination of wildlife conservation and rehabilitation for the purposes of sections 661 to 666c of this title in the United States, its Territories and possessions, the Secretary of the Interior is authorized (1) to provide assistance to, and cooperate with, Federal, State, and public or private agencies and organizations in the development, protection, rearing, and stocking of all species of wildlife, resources thereof, and their habitat, in controlling losses of the same from disease or other causes, in minimizing damages from overabundant species, in providing public shooting and fishing areas, including easements across public lands for access thereto, and in carrying out other measures necessary to effectuate the purposes of said sections; (2) to make surveys and investigations of the wildlife of the public domain, including lands and waters or interests therein acquired or controlled by any agency of the United States; and (3) to accept donations of land and contributions of funds in furtherance of the purposes of said sections.

(Mar. 10, 1934, ch. 55, § 1, 48 Stat. 401; 1939 Reorg. Plan No. II, § 4(e), (f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; Aug. 14, 1946, ch. 965, 60 Stat. 1080; Aug. 12, 1958, Pub. L. 85–624, § 2, 72 Stat. 563.)

AMENDMENTS

1958—Pub. L. 85–624 inserted provisions which relate to recognition of the vital contribution of wildlife resources to the Nation, the increasing public interest and significance thereof, and to equal consideration and coordination of wildlife conservation with other water-resources development programs, and which authorize the Secretary to provide public fishing areas, and to accept donations of lands and contributions of funds.

1946—Act Aug. 14, 1946, amended section generally in order to promote more effectual planning and cooperation between Federal, State, public, and private agencies for the conservation and rehabilitation of wildlife.

SHORT TITLE

Section 1 of Pub. L. 85–624 provided: ''That the Act of March 10, 1934, as amended, and as further amended by this Act [sections 661 to 666c of this title] may be cited as the 'Fish and Wildlife Coordination Act'.''

TRANSFER OF FUNCTIONS

Enforcement functions of Secretary or other official in Department of the Interior related to compliance with wildlife consultation in sections 661 to 666c of this title and such functions of Secretary or other official in Department of Agriculture, insofar as they involve lands and programs under jurisdiction of that Department, related to compliance with sections 661 to 666c of this title with respect to pre-construction, construction, and initial operation of transportation system for Canadian and Alaskan natural gas transferred to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, until first anniversary of date of initial operation of Alaska Natural Gas Transportation System, see Reorg. Plan No. 1 of 1979, §§ 102(e), (f), 203(a), 44 F.R. 33663, 33666, 93 Stat. 1373, 1376, effective July 1, 1979, set out in the Appendix to Title 5, Government Organization and Employees. Office of Federal Inspector for the Alaska Natural Gas Transportation System abolished and functions and authority vested in Inspector transferred to Secretary of Energy by section 3012(b) of Pub. L. 102–486, set out as an Abolition of Office of Federal Inspector note under section 719e of Title 15, Commerce and Trade.

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5.

Functions, appropriations, records, and property of Secretary of the Interior and Fish and Wildlife Service of Department of the Interior which affect or relate to breeding, raising, producing, marketing, or any other phase of production or distribution of domestically raised fur-bearing animals, or the products thereof transferred to Secretary of Agriculture by section 434 of Title 7, Agriculture.

Reorg. Plan No. III of 1940, § 3, eff. June 30, 1940, 5 F.R. 2108, 54 Stat. 1232, set out in the Appendix to Title 5, Government Organization and Employees, consolidated Bureau of Fisheries and Bureau of Biological Survey with their respective functions into one agency in Department of the Interior to be known as the Fish and Wildlife Service, and abolished the office of Commissioner and Deputy Commissioner of Fisheries and transferred their functions to the consolidated agency.

Reorg. Plan No. II of 1939, set out in the Appendix to Title 5, transferred Bureau of Fisheries in Department of Commerce, and its functions, to Department of the Interior; transferred functions of Secretary of Commerce relating to protection of fur seals and other fur-bearing animals to Secretary of the Interior; and transferred functions of Secretary of Agriculture relating to conservation of wildlife, game, and migratory birds to Secretary of the Interior.

APPROPRIATIONS

Section 4 of Pub. L. 85–624 provided that: ''There is hereby authorized to be appropriated and expended such funds as may be necessary to carry out the purposes of this Act [amending this section and sections 662 to 664 of this title and enacting section 1008 of this title].''

STUDY OF SOFT- AND HARD-SHELL CLAMS

Act May 26, 1948, ch. 348, 62 Stat. 274, directed the Fish and Wildlife Service to undertake, in cooperation with appropriate State and interstate agencies in accordance with the provisions of the Act of August 14, 1946 (60 Stat. 1080), comprehensive studies of the soft-shell clam, Mya arenaria, and the hard-shell clam, Venus mercenaria, with particular respect to the biology, propagation, and methods of cultivation of such clams, required the Service to recommend appropriate measures for (1) arresting depletion in existing productive beds; (2) restoring to production beds formerly productive but now barren or unusable; (3) developing new areas which may be found suitable; (4) improving methods and techniques of digging, transplanting, and handling; and (5) otherwise increasing production and improving the quality of such clams for the benefit of both producers and consumers, and authorized for the five-year period beginning July 1, 1948, the sum of $250,000 to carry out the studies of the soft-shell clam and the sum of $250,000 to carry out the studies of the hard-shell clam.

ACT REFERRED TO IN OTHER SECTIONS

The Fish and Wildlife Coordination Act [16 U.S.C. 661 to 666c] is referred to in 666e, 666g, 803, 823a, 1534, 2705, 4411 of this title; title 30 section 1292; title 33 sections 1416, 2283; title 43 sections 421h, 422h, 2223.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 662, 663, 664, 666, 666a, 666c, 666e, 666g of this title.

§ 662. Impounding, diverting, or controlling of waters

(a) Consultations between agencies

Except as hereafter stated in subsection (h) of this section, whenever the waters of any stream or other body of water are proposed or authorized to be impounded, diverted, the channel deepened, or the stream or other body of water otherwise controlled or modified for any purpose whatever, including navigation and drainage, by any department or agency of the United States, or by any public or private agency under Federal permit or license, such department or agency first shall consult with the United States Fish and Wildlife Service, Department of the Interior, and with the head of the agency exercising administration over the wildlife resources of the particular State wherein the impoundment, diversion, or other control facility is to be constructed, with a view to the conservation of wildlife resources by preventing loss of and damage to such resources as well as providing for the development and improvement thereof in connection with such water-resource development.

(b) Reports and recommendations; consideration

In furtherance of such purposes, the reports and recommendations of the Secretary of the Interior on the wildlife aspects of such projects, and any report of the head of the State agency exercising administration over the wildlife resources of the State, based on surveys and investigations conducted by the United States Fish and Wildlife Service and such State agency for the purpose of determining the possible damage to wildlife resources and for the purpose of determining means and measures that should be adopted to prevent the loss of or damage to such wildlife resources, as well as to provide concurrently for the development and improvement of such resources, shall be made an integral part of any report prepared or submitted by any agency of the Federal Government responsible for engineering surveys and construction of such projects when such reports are presented to the Congress or to any agency or person having the authority or the power, by administrative action or otherwise, (1) to authorize the construction of water-resource development projects or (2) to approve a report on the modification or supplementation of plans for previously authorized projects, to which sections 661 to 666c of this title apply. Recommendations of the Secretary of the Interior shall be as specific as is practicable with respect to features recommended for wildlife conservation and development, lands to be utilized or acquired for such purposes, the results expected, and shall describe the damage to wildlife attributable to the project and the measures proposed for mitigating or compensating for these damages. The reporting officers in project reports of the Federal agencies shall give full consideration to the report and recommendations of the Secretary of the Interior and to any report of the State agency on the wildlife aspects of such projects, and the project plan shall include such justifiable means and measures for wildlife purposes as the reporting agency finds should be adopted to obtain maximum overall project benefits.

(c) Modification of projects; acquisition of lands

Federal agencies authorized to construct or operate water-control projects are authorized to modify or add to the structures and operations of such projects, the construction of which has not been substantially completed on the date of enactment of the Fish and Wildlife Coordination Act, and to acquire lands in accordance with section 663 of this title, in order to accommo-

date the means and measures for such conservation of wildlife resources as an integral part of such projects: *Provided*, That for projects authorized by a specific Act of Congress before the date of enactment of the Fish and Wildlife Coordination Act (1) such modification or land acquisition shall be compatible with the purposes for which the project was authorized; (2) the cost of such modifications or land acquisition, as means and measures to prevent loss of and damage to wildlife resources to the extent justifiable, shall be an integral part of the cost of such projects; and (3) the cost of such modifications or land acquisition for the development or improvement of wildlife resources may be included to the extent justifiable, and an appropriate share of the cost of any project may be allocated for this purpose with a finding as to the part of such allocated cost, if any, to be reimbursed by non-Federal interests.

(d) Project costs

The cost of planning for and the construction or installation and maintenance of such means and measures adopted to carry out the conservation purposes of this section shall constitute an integral part of the cost of such projects: *Provided*, That such cost attributable to the development and improvement of wildlife shall not extend beyond that necessary for (1) land acquisition, (2) facilities as specifically recommended in water resource project reports, (3) modification of the project, and (4) modification of project operations, but shall not include the operation of wildlife facilities.

(e) Transfer of funds

In the case of construction by a Federal agency, that agency is authorized to transfer to the United States Fish and Wildlife Service, out of appropriations or other funds made available for investigations, engineering, or construction, such funds as may be necessary to conduct all or part of the investigations required to carry out the purposes of this section.

(f) Estimation of wildlife benefits or losses

In addition to other requirements, there shall be included in any report submitted to Congress supporting a recommendation for authorization of any new project for the control or use of water as described herein (including any new division of such project or new supplemental works on such project) an estimation of the wildlife benefits or losses to be derived therefrom including benefits to be derived from measures recommended specifically for the development and improvement of wildlife resources, the cost of providing wildlife benefits (including the cost of additional facilities to be installed or lands to be acquired specifically for that particular phase of wildlife conservation relating to the development and improvement of wildlife), the part of the cost of joint-use facilities allocated to wildlife, and the part of such costs, if any, to be reimbursed by non-Federal interests.

(g) Applicability to projects

The provisions of this section shall be applicable with respect to any project for the control or use of water as prescribed herein, or any unit of such project authorized before or after the date of enactment of the Fish and Wildlife Coordination Act for planning or construction, but shall not be applicable to any project or unit thereof authorized before the date of enactment of the Fish and Wildlife Coordination Act if the construction of the particular project or unit thereof has been substantially completed. A project or unit thereof shall be considered to be substantially completed when sixty percent or more of the estimated construction cost has been obligated for expenditure.

(h) Exempt projects and activities

The provisions of section 661 to 666c of this title shall not be applicable to those projects for the impoundment of water where the maximum surface area of such impoundments is less than ten acres, nor to activities for or in connection with programs primarily for land management and use carried out by Federal agencies with respect to Federal lands under their jurisdiction.

(Mar. 10, 1934, ch. 55, §2, 48 Stat. 401; 1939 Reorg. Plan No. II, §4(e), (f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; Aug. 14, 1946, ch. 965, 60 Stat. 1080; Aug. 12, 1958, Pub. L. 85–624, §2, 72 Stat. 564; July 9, 1965, Pub. L. 89–72, §6(b), 79 Stat. 216.)

REFERENCES IN TEXT

The date of enactment of the Fish and Wildlife Coordination Act, referred to in subsecs. (c) and (g), probably refers to the date of enactment of Pub. L. 85–624, Aug. 12, 1958. See, also, Short Title note set out under section 661 of this title.

AMENDMENTS

1965—Subsec. (d). Pub. L. 89–72 added cl. (2) to proviso, redesignated cls. (2) and (3) thereof as (3) and (4), struck out ''nor the construction of such facilities beyond those herein described'' after ''wildlife facilities'' and struck out a second proviso which applied to projects constructed under Federal reclamation laws and required the Secretary of the Interior, in addition to allocations made under section 485h of Title 43, to make findings on part of estimated cost of the project which can properly be allocated to means and measures to prevent loss and damage to wildlife resources, which costs shall not be reimbursable, and provided for allocation of project costs to development and improvement of wildlife resources, now covered by sections 460*l*–12 to 460*l*–21 of this title.

1958—Pub. L. 85–624 amended section generally to require consultations with a view to the conservation of resources by providing for the development and improvement thereof in connection with water-resource development, to provide for inclusion of reports and recommendations of the Secretary of the Interior and of the heads of State agencies in reports prepared or submitted by agencies responsible for engineering surveys and construction of projects when such reports are presented to the Congress or to any agency or person having the authority or the power to authorize the construction of water-resource development projects or to approve a report on the modification or supplementation of plans for previously authorized projects, to authorize modification of projects and acquisition of lands, and to require an estimation of benefits or losses to wildlife to be incorporated in the reports submitted to the Congress.

1946—Act Aug. 14, 1946, amended section generally to provide for consultations between any agencies and the Fish and Wildlife Service and head of State agency exercising administration over State wildlife resources prior to the impounding of water in order to prevent loss and damage to wildlife resources. Former provisions of this section are covered by section 665 of this title.

TRANSFER OF FUNCTIONS

See Transfer of Functions note set out under section 661 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 663 of this title.

§ 663. Impoundment or diversion of waters

(a) Conservation, maintenance, and management of wildlife resources; development and improvement

Subject to the exceptions prescribed in section 662(h) of this title, whenever the waters of any stream or other body of water are impounded, diverted, the channel deepened, or the stream or other body of water otherwise controlled or modified for any purpose whatever, including navigation and drainage, by any department or agency of the United States, adequate provision, consistent with the primary purposes of such impoundment, diversion, or other control, shall be made for the use thereof, together with any areas of land, water, or interests therein, acquired or administered by a Federal agency in connection therewith, for the conservation, maintenance, and management of wildlife resources thereof, and its habitat thereon, including the development and improvement of such wildlife resources pursuant to the provisions of section 662 of this title.

(b) Use and availability of waters, land, or interests therein

The use of such waters, land, or interests therein for wildlife conservation purposes shall be in accordance with general plans approved jointly (1) by the head of the particular department or agency exercising primary administration in each instance, (2) by the Secretary of the Interior, and (3) by the head of the agency exercising the administration of the wildlife resources of the particular State wherein the waters and areas lie. Such waters and other interests shall be made available, without cost for administration, by such State agency, if the management of the properties relate to the conservation of wildlife other than migratory birds, or by the Secretary of the Interior, for administration in such manner as he may deem advisable, where the particular properties have value in carrying out the national migratory bird management program: *Provided*, That nothing in this section shall be construed as affecting the authority of the Secretary of Agriculture to cooperate with the States or in making lands available to the States with respect to the management of wildlife and wildlife habitat on lands administered by him.

(c) Acquisition of land, waters, and interests therein; report to Congress

When consistent with the purposes of sections 661 to 666c of this title and the reports and findings of the Secretary of the Interior prepared in accordance with section 662 of this title, land, waters, and interests therein may be acquired by Federal construction agencies for the wildlife conservation and development purposes of sections 661 to 666c of this title in connection with a project as reasonably needed to preserve and assure for the public benefit the wildlife potentials of the particular project area: *Provided*, That before properties are acquired for this purpose, the probable extent of such acquisition shall be set forth, along with other data necessary for project authorization, in a report submitted to the Congress, or in the case of a project previously authorized, no such properties shall be acquired unless specifically authorized by Congress, if specific authority for such acquisition is recommended by the construction agency.

(d) Use of acquired properties

Properties acquired for the purposes of this section shall continue to be used for such purposes, and shall not become the subject of exchange or other transactions if such exchange or other transaction would defeat the initial purpose of their acquisition.

(e) Availability of Federal lands acquired or withdrawn for Federal water-resource purposes

Federal lands acquired or withdrawn for Federal water-resource purposes and made available to the States or to the Secretary of the Interior for wildlife management purposes, shall be made available for such purposes in accordance with sections 661 to 666c of this title, notwithstanding other provisions of law.

(f) National forest lands

Any lands acquired pursuant to this section by any Federal agency within the exterior boundaries of a national forest shall, upon acquisition, be added to and become national forest lands, and shall be administered as a part of the forest within which they are situated, subject to all laws applicable to lands acquired under the provisions of the Act of March 1, 1911 (36 Stat. 961), unless such lands are acquired to carry out the National Migratory Bird Management Program.

(Mar. 10, 1934, ch. 55, § 3, 48 Stat. 401; 1940 Reorg. Plan No. III, § 3, eff. June 30, 1940, 5 F.R. 2108, 54 Stat. 1232; Aug. 14, 1946, ch. 965, 60 Stat. 1080; Aug. 12, 1958, Pub. L. 85–624, § 2, 72 Stat. 566.)

REFERENCES IN TEXT

Act of March 1, 1911, referred to in text, is act Mar. 1, 1911, ch. 186, 36 Stat. 961, popularly known as the Weeks Law, which is classified to sections 480, 500, 513 to 519, 521, 552, and 563 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 552 of this title and Tables.

AMENDMENTS

1958—Subsec. (a). Pub. L. 85–624 designated first sentence of existing provisions as subsec. (a), and, among other changes, inserted ''Subject to the exceptions prescribed in section 662(h) of this title'' before ''whenever the waters'', substituted ''diverted, the channel deepened, or the stream or other body of water otherwise controlled or modified for any purpose whatever, including navigation and drainage'' for ''diverted, or otherwise controlled for any purpose whatever'', and inserted provisions requiring adequate provision to be made for the development and improvement of wildlife resources pursuant to the provisions of section 662 of this title.

Subsec. (b). Pub. L. 85–624 designated second sentence of existing provisions as subsec. (b), included the use of land for wildlife conservation purpose, and provided that nothing in this section shall be construed as effecting the authority of the Secretary of Agriculture to

cooperate with the States or in making lands available to the States with respect to the management of wildlife and wildlife habitat on lands administered by him.

Subsecs. (c) to (f). Pub. L. 85–624 added subsecs. (c) to (f).

1946—Act Aug. 14, 1946, amended section generally to provide for conservation and maintenance of wildlife resources upon impounding of waters, and to provide for free use of waters under certain conditions.

TRANSFER OF FUNCTIONS

See Transfer of Functions note set out under section 661 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 662, 664 of this title.

§ 664. Administration; rules and regulations; availability of lands to State agencies

Such areas as are made available to the Secretary of the Interior for the purposes of sections 661 to 666c of this title, pursuant to sections 661 and 663 of this title or pursuant to any other authorization, shall be administered by him directly or in accordance with cooperative agreements entered into pursuant to the provisions of section 661 of this title and in accordance with such rules and regulations for the conservation, maintenance, and management of wildlife, resources thereof, and its habitat thereon, as may be adopted by the Secretary in accordance with general plans approved jointly by the Secretary of the Interior and the head of the department or agency exercising primary administration of such areas: *Provided*, That such rules and regulations shall not be inconsistent with the laws for the protection of fish and game of the States in which such area is situated: *Provided, further*, That lands having value to the National Migratory Bird Management Program may, pursuant to general plans, be made available without cost directly to the State agency having control over wildlife resources, if it is jointly determined by the Secretary of the Interior and such State agency that this would be in the public interest: *And provided further*, That the Secretary of the Interior shall have the right to assume the management and administration of such lands in behalf of the National Migratory Bird Management Program if the Secretary finds that the State agency has withdrawn from or otherwise relinquished such management and administration.

(Mar. 10, 1934, ch. 55, § 4, 48 Stat. 402; 1939 Reorg. Plan No. II, § 4(e), (f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; 1940 Reorg. Plan No. III, § 3, eff. June 30, 1940, 5 F.R. 2108, 54 Stat. 1232; Aug. 14, 1946, ch. 965, 60 Stat. 1080; Aug. 12, 1958, Pub. L. 85–624, § 2, 72 Stat. 567.)

AMENDMENTS

1958—Pub. L. 85–624 permitted lands having value to the National Bird Management Program to be made available directly to the State agency having control over wildlife resources.

1946—Act Aug. 14, 1946, amended section generally to provide for administration of wildlife areas, and for the promulgation of rules and regulations.

TRANSFER OF FUNCTIONS

See Transfer of Functions note set out under section 661 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 668ee, 696 of this title.

§ 665. Investigations as to effect of sewage, industrial wastes; reports

The Secretary of the Interior, through the Fish and Wildlife Service and the United States Bureau of Mines, is authorized to make such investigations as he deems necessary to determine the effects of domestic sewage, mine, petroleum, and industrial wastes, erosion silt, and other polluting substances on wildlife, and to make reports to the Congress concerning such investigations and of recommendations for alleviating dangerous and undesirable effects of such pollution. These investigations shall include (1) the determination of standards of water quality for the maintenance of wildlife; (2) the study of methods of abating and preventing pollution, including methods for the recovery of useful or marketable products and byproducts of wastes; and (3) the collation and distribution of data on the progress and results of such investigations for the use of Federal, State, municipal, and private agencies, individuals, organizations, or enterprises.

(Mar. 10, 1934, ch. 55, § 5, 48 Stat. 402; 1940 Reorg. Plan No. III, § 3, eff. June 30, 1940, 5 F.R. 2108, 54 Stat. 1232; Aug. 14, 1946, ch. 965, 60 Stat. 1080; May 18, 1992, Pub. L. 102–285, § 10(b), 106 Stat. 172.)

AMENDMENTS

1946—Act Aug. 14, 1946, amended section generally to provide for investigations as to the effect of sewage and industrial waste on wildlife.

CHANGE OF NAME

"United States Bureau of Mines" substituted in text for "Bureau of Mines" pursuant to section 10(b) of Pub. L. 102–285, set out as a note under section 1 of Title 30, Mineral Lands and Mining.

TRANSFER OF FUNCTIONS

See Transfer of Functions note set out under section 661 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 757f of this title; title 33 section 1444.

§ 665a. Maintenance of adequate water levels in upper Mississippi River

In the management of existing facilities (including locks, dams, and pools) in the Mississippi River between Rock Island, Illinois, and Minneapolis, Minnesota, administered by the United States Corps of Engineers of the Department of the Army, that Department is directed to give full consideration and recognition to the needs of fish and other wildlife resources and their habitat dependent on such waters, without increasing additional liability to the Government, and, to the maximum extent possible without causing damage to levee and drainage districts, adjacent railroads and highways, farm lands, and dam structures, shall generally operate and maintain pool levels as though navigation was carried on throughout the year.

(Mar. 10, 1934, ch. 55, § 5A, as added June 19, 1948, ch. 528, 62 Stat. 497.)

§ 666. Authorization of appropriations

There is hereby authorized to be appropriated from time to time, out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary to carry out the provisions of sections 661 to 666c of this title and regulations made pursuant thereto, including the construction of such facilities, buildings, and other improvements necessary for economical administration of areas made available to the Secretary of the Interior under said sections, and the employment in the city of Washington and elsewhere of such persons and means as the Secretary of the Interior may deem necessary for such purposes.

(Mar. 10 1934, ch. 55, § 6, 48 Stat. 402; Aug. 14, 1946, ch. 965, 60 Stat. 1080.)

AMENDMENTS

1946—Act Aug. 14, 1946, amended section generally to provide for the necessary appropriations to carry out the purposes of sections 661 to 666c of this title.

§ 666a. Penalties

Any person who shall violate any rule or regulation promulgated in accordance with sections 661 to 666c of this title shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $500 or imprisoned for not more than one year, or both.

(Mar. 10, 1934, ch. 55, § 7, as added Aug. 14, 1946, ch. 965, 60 Stat. 1080.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 696 of this title.

§ 666b. Definitions

The terms ''wildlife'' and ''wildlife resources'' as used herein include birds, fishes, mammals, and all other classes of wild animals and all types of aquatic and land vegetation upon which wildlife is dependent.

(Mar. 10, 1934, ch. 55, § 8, as added Aug. 14, 1946, ch. 965, 60 Stat. 1080.)

REFERENCES IN TEXT

Herein, referred to in text, means act Mar. 10, 1934, ch. 55, 48 Stat. 401, which is classified generally to sections 661 to 666c of this title. For complete classification of this Act to the Code, see Short Title note set out under section 661 of this title and Tables.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 696 of this title.

§ 666c. Applicability to Tennessee Valley Authority

The provisions of sections 661 to 666c of this title shall not apply to the Tennessee Valley Authority.

(Mar. 10, 1934, ch. 55, § 9, as added Aug. 14, 1946, ch. 965, 60 Stat. 1080.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 661, 662, 663, 664, 666, 666a, 666e, 666g of this title.

§ 666d. Skagit National Wildlife Refuge; exchange of lands

The Secretary of the Interior is authorized, in his discretion, at any time within ten years from October 6, 1949, to accept from the State of Washington on behalf of the United States title to any lands in the State of Washington which he deems chiefly valuable for wildlife refuge purposes, and which are equivalent in value to the lands of the United States within the Skagit National Wildlife Refuge, and in exchange therefor to convey by deed on behalf of the United States to the State of Washington the said lands of the United States in the Skagit National Wildlife Refuge.

(Oct. 6, 1949, ch. 619, § 1, 63 Stat. 708.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 666e of this title.

§ 666e. Administration of acquired lands

Any lands acquired by the Secretary of the Interior under the terms of this section and section 666d of this title, if located within or adjacent to an existing wildlife refuge or reservation, immediately shall become a part of such refuge or reservation and shall be administered under the laws and regulations applicable thereto, and, if not so located, may be administered as a migratory-waterfowl management area, refuge, reservation, or breeding ground in accordance with the provisions of sections 661 to 666c of this title, and Acts supplementary thereto.

(Oct. 6, 1949, ch. 619, § 2, 63 Stat. 708.)

§ 666f. Wildlife conservation and agricultural, industrial, recreational, and related uses for certain Federal lands; transfer of lands to Secretary of the Interior; administration, development, and disposition

In order to promote the orderly development and use of the lands and interests therein acquired by the United States in connection with the Crab Orchard Creek project and the Illinois Ordnance Plant in Williamson, Jackson, and Union Counties, Illinois, consistent with the needs of agriculture, industry, recreation, and wildlife conservation, all of the interests of the United States in and to such lands are hereby transferred to the Secretary of the Interior for administration, development, and disposition, in accordance with the provisions of this section and section 666g of this title.

(Aug. 5, 1947, ch. 489, § 1, 61 Stat. 770.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 666g of this title.

§ 666g. Classification of lands; industrial leases; moneys subject to section 715s of this title; administration; jurisdiction of Federal agencies

All of the lands transferred to the Secretary of the Interior, pursuant to the provisions of section 666f of this title and this section, first shall be classified by him with a view to determining, in cooperation with Federal, State, and public or private agencies and organizations, the most beneficial use that may be made thereof to carry out the purposes of section 666f of this title and this section, including the development of wildlife conservation, agricultural, recreational, industrial, and related purposes. Such lands as

have been or may hereafter be determined to be chiefly valuable for industrial purposes shall be leased for such purposes at such time and under such terms and conditions as the Secretary of the Interior shall prescribe. All moneys received or collected in connection with such leases shall be subject to the provisions of section 715s of this title. Except to the extent otherwise provided in section 666f of this title and this section, all lands herein transferred shall be administered by the Secretary of the Interior through the Fish and Wildlife Service in accordance with the provisions of sections 661 to 666c of this title, and Acts supplementary thereto and amendatory thereof for the conservation of wildlife, and for the development of the agricultural, recreational, industrial, and related purposes specified in section 666f of this title and this section: *Provided*, That no jurisdiction shall be exercised by the Secretary of the Interior over that portion of such lands and the improvements thereon which are now utilized by the Department of the Army directly or indirectly until such time as it is determined by the Secretary of the Army that utilization of such portions of such lands and the improvements thereon directly or indirectly by the Department of the Army is no longer required: *Provided further*, That, subsequent to the determination referred to in the preceding proviso, the lands and improvements mentioned therein shall be administered by the Secretary of the Interior, and any lease or other disposition thereof shall be made subject to such terms, conditions, restrictions, and reservations imposed by the Secretary of the Army as will, in the opinion of the Secretary of the Army, be adequate to assure the continued availability for war production purposes of such lands and improvements.

(Aug. 5, 1947, ch. 489, § 2, 61 Stat. 770; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501; Nov. 8, 1978, Pub. L. 95–616, § 8, 92 Stat. 3114.)

REFERENCES IN TEXT

Section 715s of this title, referred to in text, was in the original "the Act of June 15, 1935, as amended (49 Stat. 383; 16 U.S.C. 715s)".

AMENDMENTS

1978—Pub. L. 95–616 substituted in second sentence "terms and conditions as the Secretary of the Interior shall prescribe" for "terms and conditions as are consistent with the general purposes of section 2 of the Surplus Property Act of 1944, as amended, and with the purposes of section 666f of this title and this section" and made moneys received or collected in connection with the leases to be subject to section 715s of this title.

CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3010 to 3013 continued military Department of the Army under administrative supervision of Secretary of the Army.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 666f of this title.

§ 667. Game management supply depots; appropriations

Appropriations made for the administration, protection, maintenance, control, improvements, and development of wildlife sanctuaries, reservations, and refuges under the control of the Secretary of the Interior shall be available for the purchase, transportation, and handling of supplies and materials for distribution at cost from game management supply depots maintained by the Department of the Interior to projects specially provided for, and transfers between the appropriations for said purposes are authorized in order that the cost of supplies and materials, and transportation and handling thereof, drawn from central warehouses so maintained may be charged to the particular project benefited; and such supplies and materials as remain in said depots at the end of any fiscal year shall be continuously available for issuance during subsequent fiscal years and to be charged for by such transfers of funds between said appropriations for the fiscal year then current without decreasing in any way the appropriations made for that fiscal year: *Provided*, That supplies and materials shall not be purchased solely for the purpose of increasing the value of storehouse stock beyond reasonable requirements for any current fiscal year.

(June 24, 1936, ch. 764, 49 Stat. 1913; 1939 Reorg. Plan No. II, § 4(e), (f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

CODIFICATION

Former first sentence provided for establishment of a game management supply depot and laboratory at Pocatello, Idaho.

TRANSFER OF FUNCTIONS

See Transfer of Functions note set out under section 661 of this title.

§ 667a. Omitted

CODIFICATION

Section, act June 8, 1940, ch. 295, §§ 1–4, 54 Stat. 261, authorized compacts or agreements between or among the States bordering on the Atlantic Ocean with respect to fishing in the territorial waters and bays and inlets of the Atlantic Ocean on which such States border.

Act May 4, 1942, ch. 283, §§ 1–4, 56 Stat. 267, granted the consent and approval of Congress to an interstate compact relating to the better utilization of the fisheries (marine, shell, and anadromous) of the Atlantic seaboard and creating the Atlantic States Marine Fisheries Commission.

Act Aug. 19, 1950, ch. 763, §§ 1–4, 64 Stat. 467, granted the consent and approval of Congress to an amendment to the Atlantic States Marine Fisheries Compact and repealed limitation on the life of such compact.

§ 667b. Transfer of certain real property for wildlife conservation purposes; reservation of rights

Upon request, real property which is under the jurisdiction or control of a Federal agency and no longer required by such agency, (1) can be utilized for wildlife conservation purposes by the agency of the State exercising administration over the wildlife resources of the State wherein the real property lies or by the Sec-

retary of the Interior; and (2) is valuable for use for any such purpose, and which, in the determination of the Administrator of General Services, is available for such use may, notwithstanding any other provisions of law, be transferred without reimbursement or transfer of funds (with or without improvements as determined by said Administrator) by the Federal agency having jurisdiction or control of the property to (a) such State agency if the management thereof for the conservation of wildlife relates to other than migratory birds, or (b) to the Secretary of the Interior if the real property has particular value in carrying out the national migratory bird management program. Any such transfer to other than the United States shall be subject to the reservation by the United States of all oil, gas, and mineral rights, and to the condition that the property shall continue to be used for wildlife conservation or other of the above-stated purposes and in the event it is no longer used for such purposes or in the event it is needed for national defense purposes title thereto shall revert to the United States.

(May 19, 1948, ch. 310, § 1, 62 Stat. 240; June 30, 1949, ch. 288, title I, § 105, 63 Stat. 381; Sept. 26, 1972, Pub. L. 92–432, 86 Stat. 723.)

AMENDMENTS

1972—Cl. (2). Pub. L. 92–432 struck out ''chiefly'' before ''valuable for use''.

TRANSFER OF FUNCTIONS

Functions, records, property, etc., of War Assets Administration transferred to General Services Administration, functions of War Assets Administrator transferred to Administrator of General Services, and War Assets Administration and office of War Assets Administrator abolished by section 105 of act June 30, 1949. Transfer of functions effective July 1, 1949, see Effective Date note set out under section 471 of Title 40, Public Buildings, Property, and Works.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 667c, 667d of this title.

§ 667c. Publication of designating order

Whenever any real property is transferred pursuant to sections 667b to 667d of this title, the Administrator of General Services shall make and have published in the Federal Register an appropriate order, which may be revised from time to time in like manner, designating for which of the purposes specified in section 667b of this title the property so transferred shall be used.

(May 19, 1948, ch. 310, § 2, 62 Stat. 241; June 30, 1949, ch. 288, title I, § 105, 63 Stat. 381.)

TRANSFER OF FUNCTIONS

Functions, records, property, etc., of War Assets Administration transferred to General Services Administration, functions of War Assets Administrator transferred to Administrator of General Services, and War Assets Administration and office of War Assets Administrator abolished by section 105 of act June 30, 1949. Transfer of functions effective July 1, 1949, see Effective Date note set out under section 471 of Title 40, Public Buildings, Property, and Works.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 667d of this title.

§ 667d. Reports to Congress

A statement of the acreage and value of such property as may have been transferred pursuant to sections 667b to 667d of this title during the preceding fiscal year shall be annually prepared by the Administrator of General Services.

(May 19, 1948, ch. 310, § 3, 62 Stat. 241; June 30, 1949, ch. 288, title I, § 105, 63 Stat. 381; Dec. 21, 1995, Pub. L. 104–66, title II, § 2091(b), 109 Stat. 730.)

AMENDMENTS

1995—Pub. L. 104–66 struck out before period at end ''and shall be included in the annual budget transmitted to the Congress''.

TRANSFER OF FUNCTIONS

Functions, records, property, etc., of War Assets Administration transferred to General Services Administration, functions of War Assets Administrator transferred to Administrator of General Services, and War Assets Administration and office of War Assets Administrator abolished by section 105 of act June 30, 1949. Transfer of functions effective July 1, 1949, see Effective Date note set out under section 471 of Title 40, Public Buildings, Property, and Works.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 667c of this title.

§ 667e. Repealed. Pub. L. 97–79, § 9(b)(2), Nov. 16, 1981, 95 Stat. 1079

Section, act May 25, 1900, ch. 553, § 5, 31 Stat. 188, provided that the dead bodies of game animals or game or song birds be subject to the laws of the State into which they are transported. See section 3378(a) of this title.

SUBCHAPTER II—PROTECTION OF BALD AND GOLDEN EAGLES

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 3125 of this title.

§ 668. Bald and golden eagles

(a) Prohibited acts; criminal penalties

Whoever, within the United States or any place subject to the jurisdiction thereof, without being permitted to do so as provided in this subchapter, shall knowingly, or with wanton disregard for the consequences of his act take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or in any manner any bald eagle commonly known as the American eagle or any golden eagle, alive or dead, or any part, nest, or egg thereof of the foregoing eagles, or whoever violates any permit or regulation issued pursuant to this subchapter, shall be fined not more than $5,000 or imprisoned not more than one year or both: *Provided*, That in the case of a second or subsequent conviction for a violation of this section committed after October 23, 1972, such person shall be fined not more than $10,000 or imprisoned not more than two years, or both: *Provided further*, That the commission of each taking or other act prohibited by this section with respect to a bald or golden eagle shall constitute a separate violation of this section: *Provided further*, That one-half of any such fine, but

not to exceed $2,500, shall be paid to the person or persons giving information which leads to conviction: *Provided further*, That nothing herein shall be construed to prohibit possession or transportation of any bald eagle, alive or dead, or any part, nest, or egg thereof, lawfully taken prior to June 8, 1940, and that nothing herein shall be construed to prohibit possession or transportation of any golden eagle, alive or dead, or any part, nest, or egg thereof, lawfully taken prior to the addition to this subchapter of the provisions relating to preservation of the golden eagle.

(b) Civil penalties

Whoever, within the United States or any place subject to the jurisdiction thereof, without being permitted to do so as provided in this subchapter, shall take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or in any manner, any bald eagle, commonly known as the American eagle, or any golden eagle, alive or dead, or any part, nest, or egg thereof of the foregoing eagles, or whoever violates any permit or regulation issued pursuant to this subchapter, may be assessed a civil penalty by the Secretary of not more than $5,000 for each such violation. Each violation shall be a separate offense. No penalty shall be assessed unless such person is given notice and opportunity for a hearing with respect to such violation. In determining the amount of the penalty, the gravity of the violation, and the demonstrated good faith of the person charged shall be considered by the Secretary. For good cause shown, the Secretary may remit or mitigate any such penalty. Upon any failure to pay the penalty assessed under this section, the Secretary may request the Attorney General to institute a civil action in a district court of the United States for any district in which such person is found or resides or transacts business to collect the penalty and such court shall have jurisdiction to hear and decide any such action. In hearing any such action, the court must sustain the Secretary's action if supported by substantial evidence.

(c) Cancellation of grazing agreements

The head of any Federal agency who has issued a lease, license, permit, or other agreement authorizing the grazing of domestic livestock on Federal lands to any person who is convicted of a violation of this subchapter or of any permit or regulation issued hereunder may immediately cancel each such lease, license, permit, or other agreement. The United States shall not be liable for the payment of any compensation, reimbursement, or damages in connection with the cancellation of any lease, license, permit, or other agreement pursuant to this section.

(June 8, 1940, ch. 278, §1, 54 Stat. 250; June 25, 1959, Pub. L. 86–70, §14, 73 Stat. 143; Oct. 24, 1962, Pub. L. 87–884, 76 Stat. 1246; Oct. 23, 1972, Pub. L. 92–535, §1, 86 Stat. 1064.)

REFERENCES IN TEXT

Prior to the addition to this subchapter of the provisions relating to preservation of the golden eagle, referred to in subsec. (a), means prior to Oct. 24, 1962, the date such provisions were enacted by Pub. L. 87–884 as an amendment of this section and section 668a of this title.

AMENDMENTS

1972—Pub. L. 92–535 designated existing provisions as subsec. (a), substituted ''shall knowingly, or with wanton disregard for the consequences of his act take'' for ''shall take'', increased fine and imprisonment terms from $500 or six months to $5,000 or one year, and inserted provisions that a second conviction carry a penalty of $10,000 fine or imprisonment of not more than two years, that each taking constitute a separate offense, and that informers be rewarded one-half of the fine not exceeding $2,500, and added subsecs. (b) and (c).

1962—Pub. L. 87–884 extended prohibitions against the enumerated acts to the golden eagle and changed proviso by substituting ''bald eagle'', ''June 8, 1940'' and ''and that nothing in said sections shall be construed to prohibit possession or transportation of any golden eagle, alive or dead, or any part, nest, or egg thereof, lawfully taken prior to the addition to said sections of the provisions relating to preservation of the golden eagle'' for ''such eagle,'' ''the effective date of said sections'' and ''but the proof of such taking shall lie upon the accused in any prosecution under said sections'', respectively.

1959—Pub. L. 86–70 struck out ''except the Territory of Alaska,'' after ''subject to the jurisdiction thereof,''.

TRANSFER OF FUNCTIONS

Enforcement functions of Secretary or other official in Department of the Interior related to compliance with this subchapter with respect to pre-construction, construction, and initial operation of transportation system for Canadian and Alaskan natural gas transferred to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, until first anniversary of date of initial operation of Alaska Natural Gas Transportation System, see Reorg. Plan No. 1 of 1979, §§102(e), 203(a), 44 F.R. 33663, 33666, 93 Stat. 1373, 1376, effective July 1, 1979, set out in the Appendix to Title 5, Government Organization and Employees. Office of Federal Inspector for the Alaska Natural Gas Transportation System abolished and functions and authority vested in Inspector transferred to Secretary of Energy by section 3012(b) of Pub. L. 102–486, set out as an Abolition of Office of Federal Inspector note under section 719e of Title 15, Commerce and Trade.

LEGISLATIVE INTENT

Enacting clause of act June 8, 1940, provided:

''Whereas the Continental Congress in 1782 adopted the bald eagle as the national symbol; and

''Whereas the bald eagle thus became the symbolic representation of a new nation under a new government in a new world; and

''Whereas by that act of Congress and by tradition and custom during the life of this Nation, the bald eagle is no longer a mere bird of biological interest but a symbol of the American ideals of freedom; and

''Whereas the bald eagle is now threatened with extinction: Therefore

''Be it enacted * * *'', etc.

§ 668a. Taking and using of the bald and golden eagle for scientific, exhibition, and religious purposes

Whenever, after investigation, the Secretary of the Interior shall determine that it is compatible with the preservation of the bald eagle or the golden eagle to permit the taking, possession, and transportation of specimens thereof for the scientific or exhibition purposes of public museums, scientific societies, and zoological parks, or for the religious purposes of Indian tribes, or that it is necessary to permit the taking of such eagles for the protection of wildlife

or of agricultural or other interests in any particular locality, he may authorize the taking of such eagles pursuant to regulations which he is hereby authorized to prescribe: *Provided*, That on request of the Governor of any State, the Secretary of the Interior shall authorize the taking of golden eagles for the purpose of seasonally protecting domesticated flocks and herds in such State, in accordance with regulations established under the provisions of this section, in such part or parts of such State and for such periods as the Secretary determines to be necessary to protect such interests: *Provided further*, That bald eagles may not be taken for any purpose unless, prior to such taking, a permit to do so is procured from the Secretary of the Interior: *Provided further*, That the Secretary of the Interior, pursuant to such regulations as he may prescribe, may permit the taking, possession, and transportation of golden eagles for the purposes of falconry, except that only golden eagles which would be taken because of depredations on livestock or wildlife may be taken for purposes of falconry: *Provided further*, That the Secretary of the Interior, pursuant to such regulations as he may prescribe, may permit the taking of golden eagle nests which interfere with resource development or recovery operations.

(June 8, 1940, ch. 278, § 2, 54 Stat. 251; Oct. 24, 1962, Pub. L. 87–884, 76 Stat. 1246; Oct. 23, 1972, Pub. L. 92–535, § 2, 86 Stat. 1065; Nov. 8, 1979, Pub. L. 95–616, § 9, 92 Stat. 3114.)

AMENDMENTS

1978—Pub. L. 95–616 authorized taking of golden eagle nests which interfere with resource development or recovery operations.

1972—Pub. L. 92–535 inserted proviso that the Secretary of the Interior may permit the taking, possession, and transportation of golden eagles for the purposes of falconry with exception that only golden eagles that cause depredations on livestock and wildlife may be taken for falconry.

1962—Pub. L. 87–884 extended provisions of section to the golden eagle, permitted the taking of specimens for the religious purposes of Indian tribes and authorized the taking of golden eagles for purpose of seasonally protecting domesticated flocks and herds.

POLICY CONCERNING DISTRIBUTION OF EAGLE FEATHERS FOR NATIVE AMERICAN RELIGIOUS PURPOSES

Memorandum of President of the United States, Apr. 29, 1994, 59 F.R. 22953, provided:

Memorandum for the Heads of Executive Departments and Agencies

Eagle feathers hold a sacred place in Native American culture and religious practices. Because of the feathers' significance to Native American heritage and consistent with due respect for the government-to-government relationship between the Federal and Native American tribal governments, this Administration has undertaken policy and procedural changes to facilitate the collection and distribution of scarce eagle bodies and parts for this purpose. This memorandum affirms and formalizes executive branch policy to ensure that progress begun on this important matter continues across the executive branch.

Today, as part of an historic meeting with all federally recognized tribal governments, I am directing executive departments and agencies (hereafter collectively ''agency'' or ''agencies'') to work cooperatively with tribal governments and to reexamine broadly their practices and procedures to seek opportunities to accommodate Native American religious practices to the fullest extent under the law.

As part of these efforts, agencies shall take steps to improve their collection and transfer of eagle carcasses and eagle body parts (''eagles'') for Native American religious purposes. The success of this initiative requires the participation, and is therefore the responsibility, of all Federal land managing agencies, not just those within the Department of the Interior. I therefore direct each agency responsible for managing Federal lands to diligently and expeditiously recover salvageable eagles found on lands under their jurisdiction and ensure that the eagles are promptly shipped to the National Eagle Repository (''Repository''). To assist agencies in this expanded effort, the Secretary of the Interior shall issue guidelines to all relevant agencies for the proper shipment of eagles to the Repository. After receiving these guidelines, agencies shall immediately adopt policies, practices, and procedures necessary in accordance with these guidelines to recover and transfer eagles to the Repository promptly.

I support and encourage the initial steps taken by the Department of the Interior to improve the distribution of eagles for Native American religious purposes. In particular, the Department of the Interior shall continue to adopt policies and procedures and take those actions necessary to:

(a) ensure the priority of distribution of eagles, upon permit application, first for traditional Native American religious purposes, to the extent permitted by law, and then to other uses;

(b) simplify the eagle permit application process quickly and to the greatest extent possible to help achieve the objectives of this memorandum;

(c) minimize the delay and ensure respect and dignity in the process of distributing eagles for Native American religious purposes to the greatest extent possible;

(d) expand efforts to involve Native American tribes, organizations, and individuals in the distribution process, both at the Repository and on tribal lands, consistent with applicable laws;

(e) review means to ensure that adequate refrigerated storage space is available to process the eagles; and

(f) continue efforts to improve the Repository's ability to facilitate the objectives of this memorandum.

The Department of the Interior shall be responsible for coordinating any interagency efforts to address continuing executive branch actions necessary to achieve the objectives of this memorandum.

We must continue to be committed to greater intergovernmental communication and cooperation. In addition to working more closely with tribal governments, we must enlist the assistance of, and cooperate with, State and local governments to achieve the objectives of this memorandum. I therefore request that the Department of the Interior work with State fish and game agencies and other relevant State and local authorities to facilitate the objectives of this memorandum.

With commitment and cooperation by all of the agencies in the executive branch and with tribal governments, I am confident that we will be able to accomplish meaningful progress in the distribution of eagles for Native American religious purposes.

The Director of the Office of Management and Budget is authorized and directed to publish this memorandum in the Federal Register.

WILLIAM J. CLINTON.

§ 668b. Enforcement provisions

(a) Arrest; search; issuance and execution of warrants and process

Any employee of the Department of the Interior authorized by the Secretary of the Interior to enforce the provisions of this subchapter may, without warrant, arrest any person committing in his presence or view a violation of this subchapter or of any permit or regulations issued hereunder and take such person immediately for examination or trial before an officer

or court of competent jurisdiction; may execute any warrant or other process issued by an officer or court of competent jurisdiction for the enforcement of the provisions of this subchapter; and may, with or without a warrant, as authorized by law, search any place. The Secretary of the Interior is authorized to enter into cooperative agreements with State fish and wildlife agencies or other appropriate State authorities to facilitate enforcement of this subchapter, and by said agreements to delegate such enforcement authority to State law enforcement personnel as he deems appropriate for effective enforcement of this subchapter. Any judge of any court established under the laws of the United States, and any United States magistrate judge may, within his respective jurisdiction, upon proper oath or affirmation showing probable cause, issue warrants in all such cases.

(b) Forfeiture

All bald or golden eagles, or parts, nests, or eggs thereof, taken, possessed, sold, purchased, bartered, offered for sale, purchase, or barter, transported, exported, or imported contrary to the provisions of this subchapter, or of any permit or regulation issued hereunder, and all guns, traps, nets, and other equipment, vessels, vehicles, aircraft, and other means of transportation used to aid in the taking, possessing, selling, purchasing, bartering, offering for sale, purchase, or barter, transporting, exporting, or importing of any bird, or part, nest, or egg thereof, in violation of this subchapter or of any permit or regulation issued hereunder shall be subject to forfeiture to the United States.

(c) Customs laws applied

All provisions of law relating to the seizure, forfeiture, and condemnation of a vessel for violation of the customs laws, the disposition of such vessel or the proceeds from the sale thereof, and the remission or mitigation of such forfeitures, shall apply to the seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this subchapter, insofar as such provisions of law are applicable and not inconsistent with the provisions of this subchapter: *Provided*, That all powers, rights, and duties conferred or imposed by the customs laws upon any officer or employee of the Treasury Department shall, for the purposes of this subchapter, be exercised or performed by the Secretary of the Interior or by such persons as he may designate.

(June 8, 1940, ch. 278, § 3, 54 Stat. 251; Oct. 17, 1968, Pub. L. 90–578, title IV, § 402(b)(2), 82 Stat. 1118; Oct. 23, 1972, Pub. L. 92–535, § 3, 86 Stat. 1065; Dec. 1, 1990, Pub. L. 101–650, title III, § 321, 104 Stat. 5117.)

AMENDMENTS

1972—Pub. L. 92–535 substituted provisions relating to enforcement of this subchapter including arrest, without warrant, issuance and execution of warrants and process, search, forfeiture, and applicability of certain customs laws, for provisions incorporating provisions of section 706 in haec verba.

CHANGE OF NAME

''United States magistrate judge'' substituted for ''United States magistrate'' in subsec. (a) pursuant to section 321 of Pub. L. 101–650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure. Previously, ''United States magistrate'' substituted for ''United States commissioner'' in subsec. (a) pursuant to Pub. L. 90–578. See chapter 43 (§ 631 et seq.) of Title 28.

TRANSFER OF FUNCTIONS

Enforcement functions of Secretary or other official in Department of the Interior related to compliance with this subchapter with respect to pre-construction, construction, and initial operation of transportation system for Canadian and Alaskan natural gas transferred to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, until first anniversary of date of initial operation of Alaska Natural Gas Transportation System, see Reorg. Plan No. 1 of 1979, §§ 102(e), 203(a), 44 F.R. 33663, 33666, 93 Stat. 1373, 1376, effective July 1, 1979, set out in the Appendix to Title 5, Government Organization and Employees. Office of Federal Inspector for the Alaska Natural Gas Transportation System abolished and functions and authority vested in Inspector transferred to Secretary of Energy by section 3012(b) of Pub. L. 102–486, set out as an Abolition of Office of Federal Inspector note under section 719e of Title 15, Commerce and Trade.

§ 668c. Definitions

As used in this subchapter ''whoever'' includes also associations, partnerships, and corporations; ''take'' includes also pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb; ''transport'' includes also ship, convey, carry, or transport by any means whatever, and deliver or receive or cause to be delivered or received for such shipment, conveyance, carriage, or transportation.

(June 8, 1940, ch. 278, § 4, 54 Stat. 251; Oct. 23, 1972, Pub. L. 92–535, § 4, 86 Stat. 1065.)

AMENDMENTS

1972—Pub. L. 92–535 substituted ''poison, wound, kill, capture, trap, collect, molest'' for ''wound, kill, capture, trap, collect, or otherwise willfully molest''.

§ 668d. Availability of appropriations for Migratory Bird Treaty Act

Moneys now or hereafter available to the Secretary of the Interior for the administration and enforcement of the Migratory Bird Treaty Act of July 3, 1918 [16 U.S.C. 703 et seq.], shall be equally available for the administration and enforcement of this subchapter.

(June 8, 1940, ch. 278, § 5, 54 Stat. 251.)

REFERENCES IN TEXT

The Migratory Bird Treaty Act, referred to in text, is act July 3, 1918, ch. 128, 40 Stat. 755, as amended, which is classified generally to subchapter II (§ 703 et seq.) of chapter 7 of this title. For complete classification of this Act to the Code, see section 710 of this title and Tables.

SUBCHAPTER III—ENDANGERED SPECIES OF FISH AND WILDLIFE

§§ 668aa to 668cc–6. Repealed. Pub. L. 93–205, § 14, Dec. 28, 1973, 87 Stat. 903

The provisions of sections 668aa to 668cc–6, which, pursuant to section 12(d) of Pub. L. 91–135, Dec. 5, 1969, 83 Stat. 283, were known as the ''Endangered Species Conservation Act of 1969'', are covered by section 1531 et seq. of this title.

Section 668aa, Pub. L. 89–669, § 1, Oct. 15, 1966, 80 Stat. 926; Pub. L. 91–135, § 12(a), (e), Dec. 5, 1969, 83 Stat. 282, 283, set out the Congressional findings, declaration of policy, and statement of purposes in seeking the protection of endangered species of fish and wildlife.

Section 668bb, Pub. L. 89–669, § 2, Oct. 15, 1966, 80 Stat. 926; Pub. L. 91–135, § 12(b), (c), Dec. 5, 1969, 83 Stat. 282, set out the powers and duties of the Secretary of the Interior in carrying out the mandate of the Endangered Species Conservation Act of 1969.

Section 668cc, Pub. L. 89–669, § 3, Oct. 15, 1966, 80 Stat. 927, covered the Secretary's duty to cooperate with the States, area administration, management agreements, and disposition of revenues.

Section 668cc–1, Pub. L. 91–135, § 1, Dec. 5, 1969, 83 Stat. 275, defined ''Secretary'', ''fish or wildlife'', ''United States'', and ''person''.

Section 668cc–2, Pub. L. 91–135, § 2, Dec. 5, 1969, 83 Stat. 275, covered importation of endangered species and set out civil and criminal penalties by reference to provisions of section 668cc–4 of this title.

Section 668cc–3, Pub. L. 91–135, § 3, Dec. 5, 1969, 83 Stat. 275, provided for determination by the Secretary of the species threatened with extinction, methods to be used and factors determinative of Secretary's determination, and rule making procedures to be used.

Section 668cc–4, Pub. L. 91–135, § 4, Dec. 5, 1969, 83 Stat. 276, set out penalties for violation of sections 668cc–2 and 668cc–3 of this title and provisions for their enforcement.

Section 668cc–5, Pub. L. 91–135, § 5, Dec. 5, 1969, 83 Stat. 278, covered international agreements for fish and wildlife preservation.

Section 668cc–6, Pub. L. 91–135, § 6, Dec. 5, 1969, 83 Stat. 278, called for coordination of administration of provisions relating to endangered species of fish and wildlife with animal quarantine and tariff laws, and provided for non-impairment of functions of Secretaries of Agriculture and Treasury under agriculture and tariff laws, including imports.

EFFECTIVE DATE OF REPEAL

Repeal effective Dec. 28, 1973, see section 16 of Pub. L. 93–205, set out as an Effective Date note under section 1531 of this title.

§ 668dd. National Wildlife Refuge System

(a) Designation; administration; continuance of resources-management-programs for refuge lands in Alaska; disposal of acquired lands; proceeds

(1) For the purpose of consolidating the authorities relating to the various categories of areas that are administered by the Secretary for the conservation of fish and wildlife, including species that are threatened with extinction, all lands, waters, and interests therein administered by the Secretary as wildlife refuges, areas for the protection and conservation of fish and wildlife that are threatened with extinction, wildlife ranges, game ranges, wildlife management areas, or waterfowl production areas are hereby designated as the ''National Wildlife Refuge System'' (referred to herein as the ''System''), which shall be subject to the provisions of this section, and shall be administered by the Secretary through the United States Fish and Wildlife Service. With respect to refuge lands in the State of Alaska, those programs relating to the management of resources for which any other agency of the Federal Government exercises administrative responsibility through cooperative agreement shall remain in effect, subject to the direct supervision of the United States Fish and Wildlife Service, as long as such agency agrees to exercise such responsibility.

(2) The mission of the System is to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans.

(3) With respect to the System, it is the policy of the United States that—

(A) each refuge shall be managed to fulfill the mission of the System, as well as the specific purposes for which that refuge was established;

(B) compatible wildlife-dependent recreation is a legitimate and appropriate general public use of the System, directly related to the mission of the System and the purposes of many refuges, and which generally fosters refuge management and through which the American public can develop an appreciation for fish and wildlife;

(C) compatible wildlife-dependent recreational uses are the priority general public uses of the System and shall receive priority consideration in refuge planning and management; and

(D) when the Secretary determines that a proposed wildlife-dependent recreational use is a compatible use within a refuge, that activity should be facilitated, subject to such restrictions or regulations as may be necessary, reasonable, and appropriate.

(4) In administering the System, the Secretary shall—

(A) provide for the conservation of fish, wildlife, and plants, and their habitats within the System;

(B) ensure that the biological integrity, diversity, and environmental health of the System are maintained for the benefit of present and future generations of Americans;

(C) plan and direct the continued growth of the System in a manner that is best designed to accomplish the mission of the System, to contribute to the conservation of the ecosystems of the United States, to complement efforts of States and other Federal agencies to conserve fish and wildlife and their habitats, and to increase support for the System and participation from conservation partners and the public;

(D) ensure that the mission of the System described in paragraph (2) and the purposes of each refuge are carried out, except that if a conflict exists between the purposes of a refuge and the mission of the System, the conflict shall be resolved in a manner that first protects the purposes of the refuge, and, to the extent practicable, that also achieves the mission of the System;

(E) ensure effective coordination, interaction, and cooperation with owners of land adjoining refuges and the fish and wildlife agency of the States in which the units of the System are located;

(F) assist in the maintenance of adequate water quantity and water quality to fulfill the mission of the System and the purposes of each refuge;

(G) acquire, under State law, water rights that are needed for refuge purposes;

(H) recognize compatible wildlife-dependent recreational uses as the priority general public uses of the System through which the American public can develop an appreciation for fish and wildlife;

(I) ensure that opportunities are provided within the System for compatible wildlife-dependent recreational uses;

(J) ensure that priority general public uses of the System receive enhanced consideration over other general public uses in planning and management within the System;

(K) provide increased opportunities for families to experience compatible wildlife-dependent recreation, particularly opportunities for parents and their children to safely engage in traditional outdoor activities, such as fishing and hunting;

(L) continue, consistent with existing laws and interagency agreements, authorized or permitted uses of units of the System by other Federal agencies, including those necessary to facilitate military preparedness;

(M) ensure timely and effective cooperation and collaboration with Federal agencies and State fish and wildlife agencies during the course of acquiring and managing refuges; and

(N) monitor the status and trends of fish, wildlife, and plants in each refuge.

(5) No acquired lands which are or become a part of the System may be transferred or otherwise disposed of under any provision of law (except by exchange pursuant to subsection (b)(3) of this section) unless—

(A) the Secretary determines with the approval of the Migratory Bird Conservation Commission that such lands are no longer needed for the purposes for which the System was established; and

(B) such lands are transferred or otherwise disposed of for an amount not less than—

(i) the acquisition costs of such lands, in the case of lands of the System which were purchased by the United States with funds from the migratory bird conservation fund, or fair market value, whichever is greater; or

(ii) the fair market value of such lands (as determined by the Secretary as of the date of the transfer or disposal), in the case of lands of the System which were donated to the System.

The Secretary shall pay into the migratory bird conservation fund the aggregate amount of the proceeds of any transfer or disposal referred to in the preceding sentence.

(6) Each area which is included within the System on January 1, 1975, or thereafter, and which was or is—

(A) designated as an area within such System by law, Executive order, or secretarial order; or

(B) so included by public land withdrawal, donation, purchase, exchange, or pursuant to a cooperative agreement with any State or local government, any Federal department or agency, or any other governmental entity,

shall continue to be a part of the System until otherwise specified by Act of Congress, except that nothing in this paragraph shall be construed as precluding—

(i) the transfer or disposal of acquired lands within any such area pursuant to paragraph (5) of this subsection;

(ii) the exchange of lands within any such area pursuant to subsection (b)(3) of this section; or

(iii) the disposal of any lands within any such area pursuant to the terms of any cooperative agreement referred to in subparagraph (B) of this paragraph.

(b) Administration; public accommodations contracts; acceptance and use of funds; exchange of properties; cash equalization payments

In administering the System, the Secretary is authorized to take the following actions:

(1) Enter into contracts with any person or public or private agency through negotiation for the provision of public accommodations when, and in such locations, and to the extent that the Secretary determines will not be inconsistent with the primary purpose for which the affected area was established.

(2) Accept donations of funds and to use such funds to acquire or manage lands or interests therein.

(3) Acquire lands or interests therein by exchange (A) for acquired lands or public lands, or for interests in acquired or public lands, under his jurisdiction which he finds to be suitable for disposition, or (B) for the right to remove, in accordance with such terms and conditions as he may prescribe, products from the acquired or public lands within the System. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

(4) Subject to standards established by and the overall management oversight of the Director, and consistent with standards established by this Act, to enter into cooperative agreements with State fish and wildlife agencies for the management of programs on a refuge.

(5) Issue regulations to carry out this Act.

(c) Prohibited and permitted activities; application of mining and mineral leasing laws, hunting or fishing regulations, and State laws or regulations

No person shall knowingly disturb, injure, cut, burn, remove, destroy, or possess any real or personal property of the United States, including natural growth, in any area of the System; or take or possess any fish, bird, mammal, or other wild vertebrate or invertebrate animals or part or nest or egg thereof within any such area; or enter, use, or otherwise occupy any such area for any purpose; unless such activities are performed by persons authorized to manage such area, or unless such activities are permitted either under subsection (d) of this section or by express provision of the law, proclamation, Executive order, or public land order establishing the area, or amendment thereof: *Provided*, That the United States mining and mineral leasing laws shall continue to apply to any lands within the System to the same extent they apply prior

to October 15, 1966, unless subsequently withdrawn under other authority of law. With the exception of endangered species and threatened species listed by the Secretary pursuant to section 1533 of this title in States wherein a cooperative agreement does not exist pursuant to section 1535(c) of this title, nothing in this Act shall be construed to authorize the Secretary to control or regulate hunting or fishing of resident fish and wildlife on lands not within the system. The regulations permitting hunting and fishing of resident fish and wildlife within the System shall be, to the extent practicable, consistent with State fish and wildlife laws and regulations.

(d) Use of areas; administration of migratory bird sanctuaries as game taking areas; rights of way, easements, and reservations; payment of fair market value

(1) The Secretary is authorized, under such regulations as he may prescribe, to—

(A) permit the use of any area within the System for any purpose, including but not limited to hunting, fishing, public recreation and accommodations, and access whenever he determines that such uses are compatible with the major purposes for which such areas were established: *Provided*, That not to exceed 40 per centum at any one time of any area that has been, or hereafter may be acquired, reserved, or set apart as an inviolate sanctuary for migratory birds, under any law, proclamation, Executive order, or public land order may be administered by the Secretary as an area within which the taking of migratory game birds may be permitted under such regulations as he may prescribe unless the Secretary finds that the taking of any species of migratory game birds in more than 40 percent of such area would be beneficial to the species; and

(B) permit the use of, or grant easements in, over, across, upon, through, or under any areas within the System for purposes such as but not necessarily limited to, powerlines, telephone lines, canals, ditches, pipelines, and roads, including the construction, operation, and maintenance thereof, whenever he determines that such uses are compatible with the purposes for which these areas are established.

(2) Notwithstanding any other provision of law, the Secretary may not grant to any Federal, State, or local agency or to any private individual or organization any right-of-way, easement, or reservation in, over, across, through, or under any area within the system in connection with any use permitted by him under paragraph (1)(B) of this subsection unless the grantee pays to the Secretary, at the option of the Secretary, either (A) in lump sum the fair market value (determined by the Secretary as of the date of conveyance to the grantee) of the right-of-way, easement, or reservation; or (B) annually in advance the fair market rental value (determined by the Secretary) of the right-of-way, easement, or reservation. If any Federal, State, or local agency is exempted from such payment by any other provision of Federal law, such agency shall otherwise compensate the Secretary by any other means agreeable to the Secretary, including, but not limited to, making other land available or the loan of equipment or personnel; except that (A) any such compensation shall relate to, and be consistent with, the objectives of the National Wildlife Refuge System, and (B) the Secretary may waive such requirement for compensation if he finds such requirement impracticable or unnecessary. All sums received by the Secretary pursuant to this paragraph shall, after payment of any necessary expenses incurred by him in administering this paragraph, be deposited into the Migratory Bird Conservation Fund and shall be available to carry out the provisions for land acquisition of the Migratory Bird Conservation Act (16 U.S.C. 715 et seq.) and the Migratory Bird Hunting Stamp Act (16 U.S.C. 718 et seq.).

(3)(A)(i) Except as provided in clause (iv), the Secretary shall not initiate or permit a new use of a refuge or expand, renew, or extend an existing use of a refuge, unless the Secretary has determined that the use is a compatible use and that the use is not inconsistent with public safety. The Secretary may make the determinations referred to in this paragraph for a refuge concurrently with development of a conservation plan under subsection (e) of this section.

(ii) On lands added to the System after March 25, 1996, the Secretary shall identify, prior to acquisition, withdrawal, transfer, reclassification, or donation of any such lands, existing compatible wildlife-dependent recreational uses that the Secretary determines shall be permitted to continue on an interim basis pending completion of the comprehensive conservation plan for the refuge.

(iii) Wildlife-dependent recreational uses may be authorized on a refuge when they are compatible and not inconsistent with public safety. Except for consideration of consistency with State laws and regulations as provided for in subsection (m) of this section, no other determinations or findings are required to be made by the refuge official under this Act or the Refuge Recreation Act for wildlife-dependent recreation to occur.

(iv) Compatibility determinations in existence on October 9, 1997, shall remain in effect until and unless modified.

(B) Not later than 24 months after October 9, 1997, the Secretary shall issue final regulations establishing the process for determining under subparagraph (A) whether a use of a refuge is a compatible use. These regulations shall—

(i) designate the refuge official responsible for making initial compatibility determinations;

(ii) require an estimate of the timeframe, location, manner, and purpose of each use;

(iii) identify the effects of each use on refuge resources and purposes of each refuge;

(iv) require that compatibility determinations be made in writing;

(v) provide for the expedited consideration of uses that will likely have no detrimental effect on the fulfillment of the purposes of a refuge or the mission of the System;

(vi) provide for the elimination or modification of any use as expeditiously as practicable after a determination is made that the use is not a compatible use;

(vii) require, after an opportunity for public comment, reevaluation of each existing use, other than those uses specified in clause (viii), if conditions under which the use is permitted change significantly or if there is significant new information regarding the effects of the use, but not less frequently than once every 10 years, to ensure that the use remains a compatible use, except that, in the case of any use authorized for a period longer than 10 years (such as an electric utility right-of-way), the reevaluation required by this clause shall examine compliance with the terms and conditions of the authorization, not examine the authorization itself;

(viii) require, after an opportunity for public comment, reevaluation of each compatible wildlife-dependent recreational use when conditions under which the use is permitted change significantly or if there is significant new information regarding the effects of the use, but not less frequently than in conjunction with each preparation or revision of a conservation plan under subsection (e) of this section or at least every 15 years, whichever is earlier; and

(ix) provide an opportunity for public review and comment on each evaluation of a use, unless an opportunity for public review and comment on the evaluation of the use has already been provided during the development or revision of a conservation plan for the refuge under subsection (e) of this section or has otherwise been provided during routine, periodic determinations of compatibility for wildlife-dependent recreational uses.

(4) The provisions of this Act relating to determinations of the compatibility of a use shall not apply to—

(A) overflights above a refuge; and

(B) activities authorized, funded, or conducted by a Federal agency (other than the United States Fish and Wildlife Service) which has primary jurisdiction over a refuge or a portion of a refuge, if the management of those activities is in accordance with a memorandum of understanding between the Secretary or the Director and the head of the Federal agency with primary jurisdiction over the refuge governing the use of the refuge.

(e) Refuge conservation planning program for non-Alaskan refuge lands

(1)(A) Except with respect to refuge lands in Alaska (which shall be governed by the refuge planning provisions of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.)), the Secretary shall—

(i) propose a comprehensive conservation plan for each refuge or related complex of refuges (referred to in this subsection as a ''planning unit'') in the System;

(ii) publish a notice of opportunity for public comment in the Federal Register on each proposed conservation plan;

(iii) issue a final conservation plan for each planning unit consistent with the provisions of this Act and, to the extent practicable, consistent with fish and wildlife conservation plans of the State in which the refuge is located; and

(iv) not less frequently than 15 years after the date of issuance of a conservation plan under clause (iii) and every 15 years thereafter, revise the conservation plan as may be necessary.

(B) The Secretary shall prepare a comprehensive conservation plan under this subsection for each refuge within 15 years after October 9, 1997.

(C) The Secretary shall manage each refuge or planning unit under plans in effect on October 9, 1997, to the extent such plans are consistent with this Act, until such plans are revised or superseded by new comprehensive conservation plans issued under this subsection.

(D) Uses or activities consistent with this Act may occur on any refuge or planning unit before existing plans are revised or new comprehensive conservation plans are issued under this subsection.

(E) Upon completion of a comprehensive conservation plan under this subsection for a refuge or planning unit, the Secretary shall manage the refuge or planning unit in a manner consistent with the plan and shall revise the plan at any time if the Secretary determines that conditions that affect the refuge or planning unit have changed significantly.

(2) In developing each comprehensive conservation plan under this subsection for a planning unit, the Secretary, acting through the Director, shall identify and describe—

(A) the purposes of each refuge comprising the planning unit;

(B) the distribution, migration patterns, and abundance of fish, wildlife, and plant populations and related habitats within the planning unit;

(C) the archaeological and cultural values of the planning unit;

(D) such areas within the planning unit that are suitable for use as administrative sites or visitor facilities;

(E) significant problems that may adversely affect the populations and habitats of fish, wildlife, and plants within the planning unit and the actions necessary to correct or mitigate such problems; and

(F) opportunities for compatible wildlife-dependent recreational uses.

(3) In preparing each comprehensive conservation plan under this subsection, and any revision to such a plan, the Secretary, acting through the Director, shall, to the maximum extent practicable and consistent with this Act—

(A) consult with adjoining Federal, State, local, and private landowners and affected State conservation agencies; and

(B) coordinate the development of the conservation plan or revision with relevant State conservation plans for fish and wildlife and their habitats.

(4)(A) In accordance with subparagraph (B), the Secretary shall develop and implement a process to ensure an opportunity for active public involvement in the preparation and revision of comprehensive conservation plans under this subsection. At a minimum, the Secretary shall require that publication of any final plan shall include a summary of the comments made by States, owners of adjacent or potentially af-

fected land, local governments, and any other affected persons, and a statement of the disposition of concerns expressed in those comments.

(B) Prior to the adoption of each comprehensive conservation plan under this subsection, the Secretary shall issue public notice of the draft proposed plan, make copies of the plan available at the affected field and regional offices of the United States Fish and Wildlife Service, and provide opportunity for public comment.

(f) Penalties

Any person who violates or fails to comply with any of the provisions of this Act or any regulations issued thereunder shall be fined under title 18 or imprisoned for not more than 1 year, or both.

(g) Enforcement provision; arrests, searches, and seizures; custody of property; forfeitures; disposition

Any person authorized by the Secretary to enforce the provisions of this Act or any regulations issued thereunder, may, without a warrant, arrest any person violating this Act or regulations in his presence or view, and may execute any warrant or other process issued by an officer or court of competence jurisdiction to enforce the provisions of this Act or regulations, and may with a search warrant search for and seize any property, fish, bird, mammal, or other wild vertebrate or invertebrate animals or part or nest or egg thereof, taken or possessed in violation of this Act or the regulations issued thereunder. Any property, fish, bird, mammal, or other wild vertebrate or invertebrate animals or part or egg thereof seized with or without a search warrant shall be held by such person or by a United States marshal, and upon conviction, shall be forfeited to the United States and disposed of by the Secretary, in accordance with law. The Director of the United States Fish and Wildlife Service is authorized to utilize by agreement, with or without reimbursement, the personnel and services of any other Federal or State agency for purposes of enhancing the enforcement of this Act.

(h) Regulations; continuation, modification, or rescission

Regulations applicable to areas of the System that are in effect on October 15, 1966, shall continue in effect until modified or rescinded.

(i) National conservation recreational area provisions; amendment, repeal, or modification

Nothing in this section shall be construed to amend, repeal, or otherwise modify the provision of the Act of September 28, 1962 (76 Stat. 653; 16 U.S.C. 460k—460k–4) which authorizes the Secretary to administer the areas within the System for public recreation. The provisions of this section relating to recreation shall be administered in accordance with the provisions of said sections.

(j) Exemption from State water laws

Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

(k) Emergency power

Notwithstanding any other provision of this Act, the Secretary may temporarily suspend, allow, or initiate any activity in a refuge in the System if the Secretary determines it is necessary to protect the health and safety of the public or any fish or wildlife population.

(*l*) Hunting and fishing on lands and waters not within System

Nothing in this Act shall be construed to authorize the Secretary to control or regulate hunting or fishing of fish and resident wildlife on lands or waters that are not within the System.

(m) State authority

Nothing in this Act shall be construed as affecting the authority, jurisdiction, or responsibility of the several States to manage, control, or regulate fish and resident wildlife under State law or regulations in any area within the System. Regulations permitting hunting or fishing of fish and resident wildlife within the System shall be, to the extent practicable, consistent with State fish and wildlife laws, regulations, and management plans.

(n) Water rights

(1) Nothing in this Act shall—

(A) create a reserved water right, express or implied, in the United States for any purpose;

(B) affect any water right in existence on October 9, 1997; or

(C) affect any Federal or State law in existence on October 9, 1997, regarding water quality or water quantity.

(2) Nothing in this Act shall diminish or affect the ability to join the United States in the adjudication of rights to the use of water pursuant to section 666 of title 43.

(*o*) Coordination with State agencies

Coordination with State fish and wildlife agency personnel or with personnel of other affected State agencies pursuant to this Act shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(Pub. L. 89–669, § 4, Oct. 15, 1966, 80 Stat. 927; Pub. L. 90–404, § 1, July 18, 1968, 82 Stat. 359; Pub. L. 93–205, § 13(a), Dec. 28, 1973, 87 Stat. 902; Pub. L. 93–509, § 2, Dec. 3, 1974, 88 Stat. 1603; Pub. L. 94–215, § 5, Feb. 17, 1976, 90 Stat. 190; Pub. L. 94–223, Feb. 27, 1976, 90 Stat. 199; Pub. L. 95–616, §§ 3(f), 6, Nov. 8, 1978, 92 Stat. 3111, 3114; Pub. L. 100–226, § 4, Dec. 31, 1987, 101 Stat. 1551; Pub. L. 100–653, title IX, § 904, Nov. 14, 1988, 102 Stat. 3834; Pub. L. 105–57, §§ 3(b)–8, Oct. 9, 1997, 111 Stat. 1254–1259.)

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, 715*l*, 715m of this title. For complete classification of this Act to the Code, see Tables.

The United States mining laws, referred to in subsec. (c), are classified generally to Title 30, Mineral Lands and Mining.

The United States mineral leasing laws, referred to in subsec. (c), have been defined in sections 351, 505, 530,

and 541e of Title 30, to mean acts Oct. 20, 1914, ch. 330, 38 Stat. 741; Feb. 25, 1920, ch. 85, 41 Stat. 437; Apr. 17, 1926, ch. 158, 44 Stat. 301; and Feb. 7, 1927, ch. 66, 44 Stat. 1057. The act of Oct. 20, 1914, was repealed by Pub. L. 86–252, §1, Sept. 9, 1959, 73 Stat. 490. The act of Feb. 25, 1920, is known as the Mineral Leasing Act and is classified generally to chapter 3A (§181 et seq.) of Title 30. The act of Apr. 17, 1926, is classified generally to subchapter VIII (§271 et seq.) of chapter 3A of Title 30. The act of Feb. 7, 1927, is classified principally to subchapter IX (§281 et seq.) of chapter 3A of Title 30. For complete classification of these Acts to the Code, see Tables.

The Migratory Bird Conservation Act, referred to in subsec. (d)(2), is act Feb. 18, 1929, ch. 257, 45 Stat. 1222, as amended, which is classified generally to subchapter III (§715 et seq.) of chapter 7 of this title. For complete classification of this Act to the Code, see section 715 of this title and Tables.

The Migratory Bird Hunting Stamp Act, referred to in subsec. (d)(2), is act Mar. 16, 1934, ch. 71, 48 Stat. 451, as amended, which is classified generally to subchapter IV (§718 et seq.) of chapter 7 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 718 of this title and Tables.

The Refuge Recreation Act and the Act of September 28, 1962, referred to in subsecs. (d)(3)(A)(iii) and (i), is Pub. L. 87–714, Sept. 28, 1962, 76 Stat. 653, as amended, which is classified generally to subchapter LXVIII (§460k et seq.) of chapter 1 of this title.

The Alaska National Interest Lands Conservation Act, referred to in subsec. (e)(1)(A), is Pub. L. 96–487, Dec. 2, 1980, 94 Stat. 2371, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of this title and Tables.

The Federal Advisory Committee Act, referred to in subsec. (*o*), is Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, as amended, which is classified to the Appendix of Title 5, Government Organization and Employees.

AMENDMENTS

1997—Subsec. (a)(1). Pub. L. 105–57, §3(b), substituted ''Secretary'' for ''Secretary of the Interior'' before ''for the conservation of fish and wildlife''.

Subsec. (a)(2). Pub. L. 105–57, §4(1), (3), added par. (2) and redesignated former par. (2) as (5).

Subsec. (a)(2)(A). Pub. L. 105–57, §3(b), substituted ''Secretary'' for ''Secretary of the Interior'' before ''determines with the approval''.

Subsec. (a)(3). Pub. L. 105–57, §§4(1), 5(a), added par. (3) and redesignated former par. (3) as (6).

Subsec. (a)(4). Pub. L. 105–57, §5(a), added par. (4).

Subsec. (a)(5). Pub. L. 105–57, §4(1), redesignated par. (2) as (5).

Subsec. (a)(6). Pub. L. 105–57, §4(1), redesignated par. (3) as (6).

Subsec. (a)(6)(i). Pub. L. 105–57, §4(2), substituted ''paragraph (5)'' for ''paragraph (2)''.

Subsec. (b). Pub. L. 105–57, §5(b)(1), substituted ''authorized to take the following actions:'' for ''authorized—'' in introductory provisions.

Subsec. (b)(1). Pub. L. 105–57, §5(b)(2), substituted ''Enter'' for ''to enter''.

Subsec. (b)(2). Pub. L. 105–57, §5(b)(3), substituted ''Accept'' for ''to accept'' and substituted a period for '', and'' at end.

Subsec. (b)(3). Pub. L. 105–57, §5(b)(4), substituted ''Acquire'' for ''to acquire''.

Subsec. (b)(4), (5). Pub. L. 105–57, §5(b)(5), added pars. (4) and (5).

Subsec. (c). Pub. L. 105–57, §8(b), struck out at end ''The provisions of this Act shall not be construed as affecting the authority, jurisdiction, or responsibility of the several States to manage, control, or regulate fish and resident wildlife under State law or regulations in any area within the System.''

Subsec. (d)(2). Pub. L. 105–57, §3(b), substituted ''Secretary'' for ''Secretary of the Interior'' before ''may not grant to any Federal'' and before ''pursuant to this paragraph''.

Subsec. (d)(3), (4). Pub. L. 105–57, §6, added pars. (3) and (4).

Subsec. (e). Pub. L. 105–57, §7(a), added subsec. (e) and redesignated former subsec. (e) as (f).

Subsec. (f). Pub. L. 105–57, §7(a)(1), redesignated subsec. (e) as (f). Former subsec. (f) redesignated (g).

Pub. L. 105–57, §3(b), substituted ''Secretary'' for ''Secretary of the Interior'' before ''to enforce the provisions''.

Subsec. (g). Pub. L. 105–57, §7(a)(1), redesignated subsec. (f) as (g). Former subsec. (g) redesignated (h).

Subsec. (h). Pub. L. 105–57, §7(a)(1), redesignated subsec. (g) as (h). Former subsec. (h) redesignated (i).

Pub. L. 105–57, §3(b), substituted ''Secretary'' for ''Secretary of the Interior''.

Subsecs. (i), (j). Pub. L. 105–57, §7(a)(1), redesignated subsecs. (h) and (i) as (i) and (j), respectively.

Subsecs. (k) to (*o*). Pub. L. 105–57, §8(a), added subsecs. (k) to (*o*).

1988—Subsec. (e). Pub. L. 100–653 substituted ''thereunder shall be fined under title 18 or imprisoned for not more than 1 year, or both'' for ''thereunder shall be fined not more than $500 or be imprisoned not more than six months, or both''.

1987—Subsec. (f). Pub. L. 100–226 inserted at end ''The Director of the United States Fish and Wildlife Service is authorized to utilize by agreement, with or without reimbursement, the personnel and services of any other Federal or State agency for purposes of enhancing the enforcement of this Act.''

1978—Subsec. (d)(1)(A). Pub. L. 95–616, §6, authorized the Secretary to find that the taking of any species of migratory birds in more than 40 percent of the area would be beneficial to the species.

Subsec. (f). Pub. L. 95–616, §3(f), substituted ''disposed of by the Secretary, in accordance with law'' for ''disposed of by the court''.

1976—Subsec. (a). Pub. L. 94–223 designated existing first sentence as par. (1), provided for administration of the System by the Secretary of the Interior through the United States Fish and Wildlife Service and inserted provision respecting continuance of programs relating to management of resources in refuge lands in Alaska, subject to direct supervision of the United States Fish and Wildlife Service; struck out second sentence providing that ''Nothing in this Act shall restrict the authority of the Secretary to modify or revoke public land withdrawals affecting lands in the System as presently constituted, or as it may be constituted, whenever he determines that such action is consistent with the public interest.''; designated existing third sentence as par. (2), redesignated as subpars. (A) and (B) former clauses (1) and (2), redesignated as subpar. (B)(i) and (ii) former cl. (2)(A) and (B), substituted in subpar. (A) ''with the approval of'' for ''after consultation with'', inserted in subpar. (B)(i) ''or fair market value, whichever is greater;'' and reenacted as second sentence of par. (2) former last sentence of subsec. (a); and added par. (3).

Subsec. (b)(3). Pub. L. 94–215 substituted designations ''(A)'' and ''(B)'' for ''(a)'' and ''(b)'', inserted in cl. (A) '', or for interests in acquired or public lands,'' before ''under his jurisdiction'' and substituted in cl. (B) ''he may prescribe'' for ''the Secretary may prescribe''.

1974—Subsec. (d). Pub. L. 93–509 designated existing provisions as par. (1)(A) and (B) and added par. (2).

1973—Subsec. (c). Pub. L. 93–205 inserted ''With the exception of endangered species and threatened species listed by the Secretary pursuant to section 1533 of this title in States wherein a cooperative agreement does not exist pursuant to section 1535(c) of this title'' before ''nothing in this Act shall be construed'' and struck out '', including endangered species thereof,'' before ''on lands not within the System'' in second sentence.

1968—Subsec. (a). Pub. L. 90–404 inserted provisions that no acquired lands which are or become a part of the National Wildlife Refuge System may be transferred or otherwise disposed of except under the specified conditions, and provisions that the Secretary pay

into the migratory bird conservation fund the proceeds of any such transfer or disposal.

EFFECTIVE DATE OF 1974 AMENDMENT

Section 3 of Pub. L. 93–509 provided that: ''Section 4 (d)(2) of the Act of October 15, 1966 (as added by this Act) [subsec. (d)(2) of this section], shall apply with respect to any right-of-way, easement, or reservation granted by the Secretary of the Interior on or after the date of the enactment of this Act [Dec. 3, 1974], including any right-of-way, easement, or reservation granted on or after such date in connection with any use permitted by him pursuant to section 4(d)(2) of the Act of October 15, 1966 [now subsec. (d)(1)(B) of this section] (as in effect before the date of the enactment of this Act).''

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93–205 effective Dec. 28, 1973, see section 16 of Pub. L. 93–205, set out as an Effective Date note under section 1531 of this title.

EFFECTIVE DATE OF 1968 AMENDMENT

Section 2 of Pub. L. 90–404 provided that: ''The amendments made by the first section of this Act [amending subsec. (a) of this section] shall apply only with respect to transfers and disposals of land initiated and completed after the date of their enactment [July 18, 1968].''

SHORT TITLE OF 1997 AMENDMENT

Section 1(a) of Pub. L. 105–57 provided that: ''This Act [amending this section and section 668ee of this title and enacting provisions set out as notes under this section] may be cited as the 'National Wildlife Refuge System Improvement Act of 1997'.''

SHORT TITLE OF 1974 AMENDMENT

Section 1 of Pub. L. 93–509 provided: ''That this Act [amending this section and section 715s of this title, and enacting provisions set out as notes under this section] may be cited as the 'National Wildlife Refuge System Administration Act Amendments of 1974'.''

SHORT TITLE

Section 12(f) of Pub. L. 91–135, Dec. 5, 1969, 83 Stat. 283, provided that: ''The provisions of sections 4 and 5 of the Act of October 15, 1966 (80 Stat. 929; 16 U.S.C. 668dd–668ee), as amended, shall hereinafter be cited as the 'National Wildlife Refuge System Administration Act of 1966'.''

TRANSFER OF FUNCTIONS

Enforcement functions of Secretary or other official in Department of the Interior related to compliance with approval to cross national wildlife refuges under sections 668dd and 668ee of this title with respect to pre-construction, construction, and initial operation of transportation system for Canadian and Alaskan natural gas transferred to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, until first anniversary of date of initial operation of Alaska Natural Gas Transportation System, see Reorg. Plan No. 1 of 1979, §§102(e), 203(a), 44 F.R. 33663, 33666, 93 Stat. 1373, 1376, effective July 1, 1979, set out in the Appendix to Title 5, Government Organization and Employees. Office of Federal Inspector for the Alaska Natural Gas Transportation System abolished and functions and authority vested in Inspector transferred to Secretary of Energy by section 3012(b) of Pub. L. 102–486, set out as an Abolition of Office of Federal Inspector note under section 719e of Title 15, Commerce and Trade.

CONGRESSIONAL FINDINGS

Section 2 of Pub. L. 105–57 provided that: ''The Congress finds the following:

''(1) The National Wildlife Refuge System is comprised of over 92,000,000 acres of Federal lands that have been incorporated within 509 individual units located in all 50 States and the territories of the United States.

''(2) The System was created to conserve fish, wildlife, and plants and their habitats and this conservation mission has been facilitated by providing Americans opportunities to participate in compatible wildlife-dependent recreation, including fishing and hunting, on System lands and to better appreciate the value of and need for fish and wildlife conservation.

''(3) The System serves a pivotal role in the conservation of migratory birds, anadromous and interjurisdictional fish, marine mammals, endangered and threatened species, and the habitats on which these species depend.

''(4) The System assists in the fulfillment of important international treaty obligations of the United States with regard to fish, wildlife, and plants and their habitats.

''(5) The System includes lands purchased not only through the use of tax dollars but also through the proceeds from sales of Duck Stamps and national wildlife refuge entrance fees. It is a System that is financially supported by those benefiting from and utilizing it.

''(6) When managed in accordance with principles of sound fish and wildlife management and administration, fishing, hunting, wildlife observation, and environmental education in national wildlife refuges have been and are expected to continue to be generally compatible uses.

''(7) On March 25, 1996, the President issued Executive Order 12996 [set out below], which recognized 'compatible wildlife-dependent recreational uses involving hunting, fishing, wildlife observation and photography, and environmental education and interpretation as priority public uses of the Refuge System'.

''(8) Executive Order 12996 is a positive step and serves as the foundation for the permanent statutory changes made by this Act [see Short Title of 1997 Amendment note above].''

STATUTORY CONSTRUCTION WITH RESPECT TO ALASKA

Section 9 of Pub. L. 105–57 provided that:

''(a) IN GENERAL.—Nothing in this Act [see Short Title of 1997 Amendment note above] is intended to affect—

''(1) the provisions for subsistence uses in Alaska set forth in the Alaska National Interest Lands Conservation Act (Public Law 96–487) [see Short Title note set out under section 3101 of this title], including those in titles III [enacting provisions listed in a table of National Wildlife Refuges set out below and provisions set out as a note under section 3145 of this title] and VIII [16 U.S.C. 3111 et seq.] of that Act;

''(2) the provisions of section 102 of the Alaska National Interest Lands Conservation Act [16 U.S.C. 3102], the jurisdiction over subsistence uses in Alaska, or any assertion of subsistence uses in Alaska in the Federal courts; and

''(3) the manner in which section 810 of the Alaska National Interest Lands Conservation Act [16 U.S.C. 3120] is implemented in national wildlife refuges in Alaska.

''(b) CONFLICTS OF LAWS.—If any conflict arises between any provision of this Act and any provision of the Alaska National Interest Lands Conservation Act, then the provision in the Alaska National Interest Lands Conservation Act shall prevail.''

LAND TRANSFER AND CONVEYANCE, PEASE AIR FORCE BASE, NEW HAMPSHIRE

Pub. L. 102–154, title III, § 319, Nov. 13, 1991, 105 Stat. 1036, provided that:

''(a) TRANSFER BY THE AIR FORCE.—Notwithstanding any other provision of law, the Secretary of the Air Force shall transfer to the Department of the Interior a parcel of real property located west of McIntyre Road

at the site of former Pease Air Force Base, New Hampshire: *Provided*, That the Secretary of the Air Force shall retain responsibility for any hazardous substances which may be found on the property so transferred.

''(b) ESTABLISHMENT OF NATIONAL WILDLIFE REFUGE.—Except as provided in subsection (c), the Secretary of the Interior shall designate the parcel of land transferred under subsection (a) as an area in the National Wildlife Refuge System under the authority of section 4 of the Act of October 15, 1966 (16 U.S.C. 688dd).

''(c) CONVEYANCE TO STATE OF NEW HAMPSHIRE.—

''(1) CONVEYANCE.—Subject to paragraphs (2) through (5), the Secretary of the Interior shall convey to the State of New Hampshire, without consideration, all right, title, and interest of the United States in and to a parcel of real property consisting of not more than 100 acres that is a part of the real property transferred to the Secretary under subsection (a) and that the Secretary determines to be suitable for use as a cemetery.

''(2) CONDITION OF CONVEYANCE.—The conveyance under paragraph (1) shall be subject to the condition that the State of New Hampshire use the property conveyed under that paragraph only for the purpose of establishing and operating a State cemetery for veterans.

''(3) REVERSION.—If the Secretary determines at any time that the State of New Hampshire is not complying with the condition specified in paragraph (2), all right, title, and interest in and to the property conveyed pursuant to paragraph (1), including any improvements thereon, shall revert to the United States and the United States shall have the right of immediate entry thereon.

''(4) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcel of real property to be conveyed under paragraph (1) shall be determined by a survey that is satisfactory to the Secretary.

''(5) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms or conditions in connection with the conveyance under this subsection that the Secretary determines appropriate to protect the interests of the United States.

''(d) The purposes for which this national wildlife refuge is established are—

''(1) to encourage the natural diversity of plant, fish, and wildlife species within the refuge, and to provide for their conservation and management;

''(2) to protect species listed as endangered or threatened, or identified as candidates for listing pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

''(3) to preserve and enhance the water quality of aquatic habitat within the refuge; and

''(4) to fulfill the international treaty obligations of the United States relating to fish and wildlife.''

NATIONAL WILDLIFE REFUGES

Alaska Maritime National Wildlife Refuge, Alaska.—Pub. L. 96–487, title III, § 303(1), Dec. 2, 1980, 94 Stat. 2389; Pub. L. 101–622, Nov. 21, 1990, 104 Stat. 3347; Pub. L. 102–489, Oct. 24, 1992, 106 Stat. 3138.

Alaska Peninsula National Wildlife Refuge, Alaska.—Pub. L. 96–498, title III, § 302(1), Dec. 2, 1980, 94 Stat. 2385.

Amagansett National Wildlife Refuge, New York.—Pub. L. 104–148, § 1, May 24, 1996, 110 Stat. 1378.

Aransas National Wildlife Refuge, Myrtle Foester Whitmire Division, Texas.—Pub. L. 102–226, § 1, Dec. 11, 1991, 105 Stat. 1685.

Arctic National Wildlife Refuge, Alaska.—Pub. L. 96–498, title III, § 303(2), Dec. 2, 1980, 94 Stat. 2390.

Arthur R. Marshall Loxahatchee National Wildlife Refuge, Florida.—Pub. L. 99–615, Nov. 6, 1986, 100 Stat. 3484.

Atchafalaya National Wildlife Refuge, Louisiana.—Pub. L. 98–548, title III, Oct. 26, 1984, 98 Stat. 2776; Pub. L. 99–625, § 2, Nov. 7, 1986, 100 Stat. 3502.

Bandon Marsh National Wildlife Refuge, Oregon.—Pub. L. 97–137, title I, Dec. 29, 1981, 95 Stat. 1709.

NATIONAL WILDLIFE REFUGES—CONTINUED

Bayou Cocodrie National Wildlife Refuge, Louisiana.—Pub. L. 101–593, title I, § 108, Nov. 16, 1990, 104 Stat. 2956.

Bayou Sauvage Urban National Wildlife Refuge, Louisiana.—Pub. L. 99–645, title V, § 502, Nov. 10, 1986, 100 Stat. 3590; Pub. L. 104–253, § 2, Oct. 9, 1996, 110 Stat. 3167.

Becharof National Wildlife Refuge, Alaska.—Pub. L. 96–498, title III, § 302(2), Dec. 2, 1980, 94 Stat. 2385.

Bogue Chitto National Wildlife Refuge, Louisiana-Mississippi.—Pub. L. 96–288, June 28, 1980, 94 Stat. 603; Pub. L. 99–191, § 3, Dec. 19, 1985, 99 Stat. 1327; Pub. L. 101–233, § 17, Dec. 13, 1989, 103 Stat. 1978.

Bon Secour National Wildlife Refuge, Alabama.—Pub. L. 96–267, June 9, 1980, 94 Stat. 483; Pub. L. 99–191, § 1, Dec. 19, 1985, 99 Stat. 1327.

Cache River National Wildlife Refuge, Arkansas.—Pub. L. 102–584, §§ 1–5, Nov. 2, 1992, 106 Stat. 4937–4941.

Clarks River National Wildlife Refuge, Kentucky.—Pub. L. 104–208, div. A, title I, § 101(d) [title I], Sept. 30, 1996, 110 Stat. 3009–181, 3009–185.

Cossatot National Wildlife Refuge, Arkansas.—Pub. L. 104–333, div. I, title III, § 305(h), Nov. 12, 1996, 110 Stat. 4130.

Don Edwards San Francisco Bay National Wildlife Refuge, California.—Pub. L. 92–326, June 30, 1972, 86 Stat. 391; Pub. L. 96–290, § 1, June 28, 1980, 94 Stat. 607; Pub. L. 100–556, title II, Oct. 28, 1988, 102 Stat. 2780; Pub. L. 104–78, § 1, Dec. 28, 1995, 109 Stat. 790.

Edwin B. Forsythe National Wildlife Refuge, New Jersey.—Pub. L. 98–293, May 22, 1984, 98 Stat. 207.

Egmont Key National Wildlife Refuge, Florida.—Pub. L. 93–341, July 10, 1974, 88 Stat. 295.

Flattery Rocks National Wildlife Refuge, Washington.—Ex. Ord. No. 703, Oct. 23, 1907; Proc. No. 2416, July 25, 1940, 54 Stat. 2717; Pub. L. 100–226, § 3, Dec. 31, 1987, 101 Stat. 1550.

Grays Harbor National Wildlife Refuge, Washington.—Pub. L. 100–406, Aug. 19, 1988, 102 Stat. 1041.

Great Dismal Swamp National Wildlife Refuge, Virginia and North Carolina.—Pub. L. 93–402, Aug. 30, 1974, 88 Stat. 801.

Humboldt Bay National Wildlife Refuge, California.—Pub. L. 96–290, § 2, June 28, 1980, 94 Stat. 607.

Innoko National Wildlife Refuge, Alaska.—Pub. L. 96–498, title III, § 302(3), Dec. 2, 1980, 94 Stat. 2386.

Izembek National Wildlife Refuge, Alaska.—Pub. L. 96–498, title III, § 303(3), Dec. 2, 1980, 94 Stat. 2390.

John Heinz National Wildlife Refuge at Tinicum (former Tinicum National Environmental Center), Pennsylvania.—Pub. L. 102–154, title I, Nov. 13, 1991, 105 Stat. 995; Pub. L. 103–340, § 6, Oct. 6, 1994, 108 Stat. 3120.

Kanuti National Wildlife Refuge, Alaska.—Pub. L. 96–498, title III, § 302(4), Dec. 2, 1980, 94 Stat. 2386.

Kenai National Wildlife Refuge, Alaska.—Pub. L. 96–487, title III, § 303(4), Dec. 2, 1980, 94 Stat. 2391; Pub. L. 104–333, div. I, title III, § 311(d)(3), Nov. 12, 1996, 110 Stat. 4142.

Kodiak National Wildlife Refuge, Alaska.—Pub. L. 96–498, title III, § 303(5), Dec. 2, 1980, 94 Stat. 2391.

Koyukuk National Wildlife Refuge, Alaska.—Pub. L. 96–498, title III, § 302(5), Dec. 2, 1980, 94 Stat. 2386.

Midway Atoll National Wildlife Refuge, Midway Islands.—Ex. Ord. No. 13022, § 3(a), Oct. 31, 1996, 61 F.R. 56875.

Minnesota Valley National Wildlife Refuge, Minnesota.—Pub. L. 94–466, Oct. 8, 1976, 90 Stat. 1992.

Neal Smith National Wildlife Refuge, Iowa.—Pub. L. 105–83, title III, § 341, Nov. 14, 1997, 111 Stat. 1604.

North Platte National Wildlife Refuge, Nebraska.—Pub. L. 104–212, title I, § 101, Oct. 1, 1996, 110 Stat. 3014.

Nowitna National Wildlife Refuge, Alaska.—Pub. L. 96–498, title III, § 302(6), Dec. 2, 1980, 94 Stat. 2387.

Oahu National Wildlife Refuge Complex, Hawaii.—Pub. L. 104–209, § 1, Oct. 1, 1996, 110 Stat. 3010.

NATIONAL WILDLIFE REFUGES—CONTINUED

Oxbow National Wildlife Refuge, Massachusetts.—Pub. L. 103–337, div. B, title XXVIII, § 2846, Oct. 5, 1994, 108 Stat. 3071; Pub. L. 104–106, div. B, title XXVIII, § 2853, Feb. 10, 1996, 110 Stat. 567.

Pettaquamscutt Cove National Wildlife Refuge, Rhode Island.—Pub. L. 100–610, title II, Nov. 5, 1988, 102 Stat. 3176; Pub. L. 102–212, title II, § 202, Dec. 11, 1991, 105 Stat. 1660; Pub. L. 104–212, title II, Oct. 1, 1996, 110 Stat. 3014.

Pocosin Lakes National Wildlife Refuge, North Carolina.—Pub. L. 103–232, title III, Apr. 11, 1994, 108 Stat. 339.

Protection Island National Wildlife Refuge, Washington.—Pub. L. 97–333, Oct. 15, 1982, 96 Stat. 1623.

Quillayute Needles National Wildlife Refuge, Washington.—Ex. Ord. No. 705, Oct. 23, 1907; Proc. No. 2416, July 25, 1940, 54 Stat. 2717; Pub. L. 100–226, § 3, Dec. 31, 1987, 101 Stat. 1550.

Ridgefield National Wildlife Refuge, Washington.—Pub. L. 102–570, § 1, Oct. 29, 1992, 106 Stat. 4489.

Rocky Mountain Arsenal National Wildlife Refuge, Colorado.—Pub. L. 102–402, Oct. 9, 1992, 106 Stat. 1961; Pub. L. 105–85, div. B, title XXVIII, § 2840, Nov. 18, 1997, 111 Stat. 2007.

Sailors' Snug Harbor National Wildlife Refuge, New York.—Pub. L. 96–315, § 2, July 25, 1980, 94 Stat. 957.

Seal Beach National Wildlife Refuge, California.—Pub. L. 92–408, Aug. 29, 1972, 86 Stat. 633.

Selawik National Wildlife Refuge, Alaska.—Pub. L. 96–498, title III, § 302(7), Dec. 2, 1980, 94 Stat. 2387.

Silvio Conte National Fish and Wildlife Refuge, Connecticut, Massachusetts, New Hampshire, and Vermont.—Pub. L. 102–212, title I, Dec. 11, 1991, 105 Stat. 1655.

Stewart B. McKinney National Wildlife Refuge, Connecticut.—Pub. L. 98–548, title II, Oct. 26, 1984, 98 Stat. 2774; Pub. L. 100–38, May 13, 1987, 101 Stat. 306; Pub. L. 101–443, § 2, Oct. 19, 1990, 104 Stat. 1028.

Stillwater National Wildlife Refuge, Nevada.—Pub. L. 101–618, title II, § 206(b), Nov. 16, 1990, 104 Stat. 3309.

Tensas River National Wildlife Refuge, Louisiana.—Pub. L. 96–285, June 28, 1980, 94 Stat. 595; Pub. L. 99–191, § 2, Dec. 19, 1985, 99 Stat. 1327; Pub. L. 104–253, § 1, Oct. 9, 1996, 110 Stat. 3167.

Tetlin National Wildlife Refuge, Alaska.—Pub. L. 96–498, title III, § 302(8), Dec. 2, 1980, 94 Stat. 2388.

Togiak National Wildlife Refuge, Alaska.—Pub. L. 96–498, title III, § 303(6), Dec. 2, 1980, 94 Stat. 2392.

Wallkill River National Wildlife Refuge, New Jersey.—Pub. L. 101–593, title I, § 107, Nov. 16, 1990, 104 Stat. 2955.

White River National Wildlife Refuge, Arkansas.—Pub. L. 102–584, §§ 1–5, Nov. 2, 1992, 106 Stat. 4937–4941.

Wyandotte National Wildlife Refuge, Michigan.—Pub. L. 87–119, Aug. 3, 1961, 75 Stat. 243.

Yukon Delta National Wildlife Refuge, Alaska.—Pub. L. 96–498, title III, § 303(7), Dec. 2, 1980, 94 Stat. 2392.

Yukon Flats National Wildlife Refuge, Alaska.—Pub. L. 96–498, title III, § 302(9), Dec. 2, 1980, 94 Stat. 2388.

NATIONAL WILDLIFE CONSERVATION AREA

Falls of the Ohio National Wildlife Conservation Area, Kentucky.—Pub. L. 97–137, title II, Dec. 29, 1981, 95 Stat. 1710; Pub. L. 98–613, § 10(c), (d), Oct. 31, 1984, 98 Stat. 3191; Pub. L. 105–146, § 2, Dec. 16, 1997, 111 Stat. 2672.

NATIONAL ENVIRONMENTAL CENTERS

Tinicum National Environmental Center, Pennsylvania.—Pub. L. 92–326, June 30, 1972, 86 Stat. 391; renamed John Heinz National Wildlife Refuge at Tinicum, Pub. L. 102–154, title I, Nov. 13, 1991, 105 Stat. 995.

EX. ORD. NO. 12996. MANAGEMENT AND GENERAL PUBLIC USE OF NATIONAL WILDLIFE REFUGE SYSTEM

Ex. Ord. No. 12996, Mar. 25, 1996, 61 F.R. 13647, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in furtherance of the purposes of the Fish and Wildlife Act of 1956 (16 U.S.C. 742a [et seq.]), the Fish and Wildlife Coordination Act (16 U.S.C. 661 [et seq.]), the National Wildlife Refuge System Administration Act (16 U.S.C. 668dd [, 668ee]), the Refuge Recreation Act (16 U.S.C. 460k [et seq.]), the Endangered Species Act of 1973 (16 U.S.C. 1531 [et seq.]), the Emergency Wetlands Resources Act (16 U.S.C. 3901 [et seq.]), the North American Wetlands Conservation Act (16 U.S.C. 4401 [et seq.]), the National Environmental Policy Act (42 U.S.C. 4321 [et seq.]), and other pertinent statutes, and in order to conserve fish and wildlife and their habitat, it is ordered as follows:

SECTION 1. *The Mission of the National Wildlife Refuge System*. The mission of the National Wildlife Refuge System (''Refuge System'') is to preserve a national network of lands and waters for the conservation and management of fish, wildlife, and plant resources of the United States for the benefit of present and future generations.

SEC. 2. *Guiding Principles*. To help ensure a bright future for its treasured national heritage, I hereby affirm the following four guiding principles for the management and general public use of the Refuge System:

(a) *Public Use*. The Refuge System provides important opportunities for compatible wildlife-dependent recreational activities involving hunting, fishing, wildlife observation and photography, and environmental education and interpretation.

(b) *Habitat*. Fish and wildlife will not prosper without high-quality habitat, and without fish and wildlife, traditional uses of refuges cannot be sustained. The Refuge System will continue to conserve and enhance the quality and diversity of fish and wildlife habitat within refuges.

(c) *Partnerships*. America's sportsmen and women were the first partners who insisted on protecting valuable wildlife habitat within wildlife refuges. Conservation partnerships with other Federal agencies, State agencies, Tribes, organizations, industry, and the general public can make significant contributions to the growth and management of the Refuge System.

(d) *Public Involvement*. The public should be given a full and open opportunity to participate in decisions regarding acquisition and management of our National Wildlife Refuges.

SEC. 3. *Directives to the Secretary of the Interior*. To the extent consistent with existing laws and interagency agreements, the Secretary of the Interior, in carrying out his trustee and stewardship responsibilities for the Refuge System, is directed to:

(a) recognize compatible wildlife-dependent recreational activities involving hunting, fishing, wildlife observation and photography, and environmental education and interpretation as priority general public uses of the Refuge System through which the American public can develop an appreciation for fish and wildlife;

(b) provide expanded opportunities for these priority public uses within the Refuge System when they are compatible and consistent with sound principles of fish and wildlife management, and are otherwise in the public interest;

(c) ensure that such priority public uses receive enhanced attention in planning and management within the Refuge System;

(d) provide increased opportunities for families to experience wildlife-dependent recreation, particularly opportunities for parents and their children to safely engage in traditional outdoor activities, such as fishing and hunting;

(e) ensure that the biological integrity and environmental health of the Refuge System is maintained for the benefit of present and future generations of Americans;

(f) continue, consistent with existing laws and interagency agreements, authorized or permitted uses of units of the Refuge System by other Federal agencies, including those necessary to facilitate military preparedness;

(g) plan and direct the continued growth of the Refuge System in a manner that is best designed to accomplish the mission of the Refuge System, to contribute to the conservation of the ecosystems of the United States, and to increase support for the Refuge System and participation from conservation partners and the public;

(h) ensure timely and effective cooperation and collaboration with Federal agencies and State fish and wildlife agencies during the course of acquiring and managing National Wildlife Refuges;

(i) ensure appropriate public involvement opportunities will be provided in conjunction with refuge planning and management activities; and

(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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459j–4, 668ee, 3125, 3212, 5207 of this title; title 43 section 1714.

§ 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, 715*l*, 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.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459j–4, 3125, 3212 of this title.

§§ 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.
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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 1225, 2904, 2905, 3125, 5202 of this title; title 25 sections 1709, 1745.

§ 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 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, 50 Stat. 917, as amended, which enacted this chapter, is popularly known as the ''Federal Aid in Wildlife Restoration Act'' and the ''Pittman-Robertson Wildlife Restoration Act''.

§ 669a. Definitions

For the purposes of this chapter the term ''wildlife-restoration project'' shall be construed to mean and include the selection, restoration, rehabilitation, and improvement of areas of land or water adaptable as feeding, resting, or breeding places for wildlife, including acquisition by purchase, condemnation, lease, or gift of such areas or estates or interests therein as are suitable or capable of being made suitable therefor, and the construction thereon or therein of such works as may be necessary to make them available for such purposes and also including such research into problems of wildlife management as may be necessary to efficient administration affecting wildlife resources, and such preliminary or incidental costs and expenses as may be incurred in and about such projects; the term ''State fish and game department'' shall be construed to mean and include any department or division of department of another name, or commission, or official or officials, of a State empowered under its laws to exercise the functions ordinarily exercised by a State fish and game department.

(Sept. 2, 1937, ch. 899, § 2, 50 Stat. 917; July 2, 1956, ch. 489, § 1, 70 Stat. 473; July 12, 1960, Pub. L. 86–624, § 10, 74 Stat. 412.)