

standards and practical instructions for implementation of wetland protection and wildlife habitat improvement practices based on existing scientific and technical knowledge.

**(C) Contracts**

The Secretary may enter into contracts to assist in the development and periodic revision of the technical guides described in this subsection.

**(c) Other duties**

Each technical committee shall provide assistance and offer recommendations with respect to the technical aspects of—

- (1) wetland protection, restoration, and mitigation requirements;
- (2) criteria to be used in evaluating bids for enrollment of environmentally-sensitive lands in the conservation reserve program;
- (3) guidelines for haying or grazing and the control of weeds to protect nesting wildlife on set-aside acreage;
- (4) highly erodible lands exemptions and appeals;
- (5) wetland and conservation compliance exemptions and appeals;
- (6) addressing common weed and pest problems and programs to control weeds and pests found on acreage enrolled in the conservation reserve program;
- (7) guidelines for planting perennial cover for water quality and wildlife habitat improvement on set-aside lands;
- (8) establishing criteria and priorities for State initiatives under the environmental quality incentives program under part IV of subchapter IV of this chapter; and
- (9) other matters determined appropriate by the Secretary.

**(d) Authority**

Each Committee established under section 3861 of this title is advisory and shall have no implementation or enforcement authority. However, the Secretary shall give strong consideration to the recommendations of such Committees in administering the programs under this chapter, and to the factual, technical, or scientific findings and recommendations under the Committee's responsibility.

**(e) FACA requirements**

The committees established under section 3861 of this title shall be exempt from the Federal Advisory Committee Act (5 U.S.C. App.).

(Pub. L. 99-198, title XII, §1262, as added Pub. L. 101-624, title XIV, §1446, Nov. 28, 1990, 104 Stat. 3604; amended Pub. L. 103-354, title II, §246(f)(3), Oct. 13, 1994, 108 Stat. 3225; Pub. L. 104-127, title III, §342(b), Apr. 4, 1996, 110 Stat. 1009.)

REFERENCES IN TEXT

Section 3838b of this title, referred to in subsec. (b)(1), was repealed by Pub. L. 104-127, title III, §336(h), Apr. 4, 1996, 110 Stat. 1007.

The Federal Advisory Committee Act, referred to in subsec. (e), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-127, §342(b)(1), inserted at end “Each State technical committee shall provide

public notice of, and permit public attendance at meetings considering, issues of concern related to carrying out this chapter.”

Subsec. (b)(1). Pub. L. 104-127, §342(b)(2), inserted at end “Each State technical committee shall establish criteria and guidelines for evaluating petitions by agricultural producers regarding new conservation practices and systems not already described in field office technical guides.”

Subsec. (c)(7) to (9). Pub. L. 104-127, §342(b)(3), struck out “and” at end of par. (7), added par. (8), and redesignated former par. (8) as (9).

1994—Subsec. (e). Pub. L. 103-354 added subsec. (e).

PUBLIC NOTICE AND COMMENT FOR REVISIONS TO CERTAIN STATE TECHNICAL GUIDES

Section 343 of Pub. L. 104-127 provided that: “After the date of enactment of this Act [Apr. 4, 1996], the Secretary of Agriculture shall provide for public notice and comment under section 553 of title 5, United States Code, with regard to any future revisions to those provisions of the Natural Resources Conservation Service State technical guides that are used to carry out subtitles A, B, and C of title XII of the Food Security Act of 1985 (16 U.S.C. 3801 et seq. [3811 et seq., 3821 et seq.]).”

**CHAPTER 59—WETLANDS RESOURCES**

SUBCHAPTER I—GENERAL PROVISIONS

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3902. Definitions.

SUBCHAPTER II—REVENUES FOR REFUGE OPERATIONS AND THE MIGRATORY BIRD CONSERVATION FUND

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SUBCHAPTER I—GENERAL PROVISIONS

**§ 3901. Findings and statement of purpose**

**(a) Findings**

The Congress finds that—

(1) wetlands play an integral role in maintaining the quality of life through material contributions to our national economy, food supply, water supply and quality, flood control, and fish, wildlife, and plant resources, and thus to the health, safety, recreation, and economic well-being of all our citizens of the Nation;

(2) wetlands provide habitat essential for the breeding, spawning, nesting, migration, wintering and ultimate survival of a major portion of the migratory and resident fish and wildlife of the Nation; including migratory birds, endangered species, commercially and recreationally important finfish, shellfish and other aquatic organisms, and contain many unique species and communities of wild plants;

(3) the migratory bird treaty obligations of the Nation with Canada, Mexico, Japan, the