hunting may be permitted for reasons of public safety, protection of the area’s resources, administration, or public use and enjoyment. Except in emergencies, any regulations prescribing such restrictions relating to hunting shall be put into effect only after consultation with the State of Idaho.


REFERENCES IN TEXT

Presidential Proclamation 7373, referred to in subsec. (a) and (b)(1)(A), appears in the item for Craters of the Moon National Monument, Idaho, in the table under the heading “National Monuments Established Under Presidential Proclamation”, set out as a note under section 431 of this title.

Act of June 8, 1906, referred to in subsec. (b)(1), is act June 8, 1906, ch. 3060, 34 Stat. 225, known as the Antiquities Act of 1906, which is classified generally to sections 431, 432, and 433 of this title. For complete classification of this Act to the Code, see Short Title Notes set out under section 431 of this title.

Under Presidential Proclamation”, set out as a note under the heading “National Monuments Established Under section 431 of this title.

CHAPTER 7—PROTECTION OF MIGRATORY GAME AND INSECTIVOROUS BIRDS

SUBCHAPTER I—GENERALLY

Sec. 701. Game and wild birds; preservation.

702. Importation of eggs of game birds for propagation.

SUBCHAPTER II—MIGRATORY BIRD TREATY

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715n. “Take” defined.

715o. National forest and power sites; use for migratory bird reservations.


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716b–1. Disposition of unsold stamps.

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SUBCHAPTER V—JUNIOR DUCK STAMP CONSERVATION AND DESIGN PROGRAM

717. Establishment of Program.

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SUBCHAPTER I—GENERALLY

§ 701. Game and wild birds; preservation

The duties and powers of the Department of the Interior include the preservation, distribution, introduction, and restoration of game birds and other wild birds. The Secretary of the Interior is authorized to adopt such measures as may be necessary to carry out the purposes of this Act, and to purchase such game birds and other wild birds as may be required therefor, subject, however, to the laws of the various States and Territories. The object and purpose of this Act is to aid in the restoration of such birds in those parts of the United States adapted thereto where the same have become scarce or extinct, and also to regulate the introduction of American or foreign birds or animals in localities where they have not heretofore existed.

The Secretary of the Interior shall from time to time collect and publish useful information as to the propagation, uses, and preservation of such birds.

And the Secretary of the Interior shall make and publish all needful rules and regulations for
carrying out the purposes of this Act, and shall expend for said purposes such sums as Congress may appropriate therefor.


REFERENCES IN TEXT

This Act, referred to in text, is act May 25, 1900, section 1 of which is classified to this section. Sections 2 to 4 of the Act were repealed and reenacted by sections 241 to 244 of the Criminal Code of 1960 (approved Mar. 4, 1909, ch. 321) which were classified to sections 391 to 394 of former Title 18. Such sections were subsequently repealed and reenacted as sections 42 to 44 of Title 18, Crimes and Criminal Procedure. Section 5 of the Act which was classified to section 667e of this title was repealed by Pub. L. 97–79, § 9(b)(2), Nov. 16, 1981, 95 Stat. 1679.

TRANSFER OF FUNCTIONS

Reorg. Plan No. II of 1939, set out in the Appendix to Title 3, Government Organization and Employees, transferred functions of Secretary of Agriculture relating to conservation of wildlife, game, and migratory birds to Secretary of the Interior.

EX. ORD. NO. 13186. RESPONSIBILITIES OF FEDERAL AGENCIES TO PROTECT MIGRATORY BIRDS


1. Policy. Migratory birds are of great ecological and economic value to this country and to other countries. They contribute to biological diversity and bring tremendous enjoyment to millions of Americans who study, watch, feed, or hunt these birds throughout the United States and other countries. The United States has recognized the critical importance of this shared resource by ratifying international, bilateral conventions for the conservation of migratory birds. Such conventions include the Convention for the Protection of Migratory Birds with Great Britain on behalf of Canada 1916, the Convention for the Protection of Migratory Birds and Game Mammals—Mexico 1936, the Convention for the Protection of Birds and Their Environment—Japan 1972, and the Convention for the Conservation of Migratory Birds and Their Environment—Union of Soviet Socialist Republics 1978.

These migratory bird conventions impose substantive obligations on the United States for the conservation of migratory birds and their habitats, and through the Migratory Bird Treaty Act (Act), the United States has implemented these migratory bird conventions with respect to the United States. This Executive Order directs executive departments and agencies to take certain actions to further implement the Act.

2. Definitions. For purposes of this order:

(a) "Take" means take as defined in 50 C.F.R. 10.12, and includes both "intentional" and "unintentional" take.

(b) "Intentional take" means take that is the purpose of the activity in question.

(c) "Unintentional take" means take that results from, but is not the purpose of, the activity in question.

(d) "Migratory bird" means any bird listed in 50 C.F.R. 10.13.

(e) "Migratory bird resources" means migratory birds and the habitats upon which they depend.

(f) "Migratory bird convention" means, collectively, the bilateral conventions with Great Britain/Canada, Mexico, Japan, and Russia for the conservation of migratory bird resources.

(g) "Federal agency" means an executive department or agency, but does not include independent establishments as defined by 5 U.S.C. 104.

(h) "Action" means a program, activity, project, official policy (such as a rule or regulation), or formal plan directly carried out by a Federal agency. Each Federal agency will further define what the term "action" means with respect to its own authorities and what programs should be included in the agency-specific Memoranda of Understanding required by this order. Actions delegated to or assumed by nonfederal entities, or carried out by nonfederal entities with Federal assistance, are not subject to this order. Such actions, however, continue to be subject to the Migratory Bird Treaty Act.

(i) "Species of concern" refers to those species listed in the periodic report "Migratory Nongame Birds of Management Concern in the United States," priority migratory bird species as documented by established plans (such as Bird Conservation Regions in the North American Bird Conservation Initiative or Partners in Flight physiographic areas), and those species listed in 50 C.F.R. 17.11.

Sec. 3. Federal Agency Responsibilities. (a) Each Federal agency taking actions that have, or are likely to have, a measurable negative effect on migratory bird populations is directed to develop and implement, within 2 years, a Memorandum of Understanding (MOU) with the Fish and Wildlife Service (Service) that shall promote the conservation of migratory bird populations.

(b) In coordination with affected Federal agencies, the Service shall develop a schedule for completion of the MOUs within 180 days of the date of this order. The schedule shall give priority to completing the MOUs with agencies having the most substantive impacts on migratory birds.

(c) Each MOU shall establish protocols for implementation of the MOU and for reporting accomplishments. These protocols may be incorporated into existing actions; however, the MOU shall recognize that the agency may not be able to implement some elements of the MOU until such time as the agency has successfully included them in each agency’s formal planning processes (such as revision of agency land management plans, land use compatibility guidelines, integrated resource management plans, and fishery management plans), including public participation and NEPA analysis, as appropriate. This order and the MOUs to be developed by the agencies are intended to be implemented when new actions or renewal of contracts, permits, decisions, or other third party agreements are initiated as well as during the initiation of new, or revisions to, land management plans.

(d) Each MOU shall include an elevation process to resolve any dispute between the signatory agencies regarding a particular practice or activity.

(e) Pursuant to its MOU, each agency shall, to the extent permitted by law and subject to the availability of appropriations and within Administration budgetary limits, and in harmony with agency missions:

(1) Support the conservation intent of the migratory bird conventions by integrating bird conservation principles, measures, and practices into agency activities and by avoiding or minimizing, to the extent practicable, adverse impacts on migratory bird resources when conducting agency actions;

(2) Restore and enhance the habitat of migratory birds, as practicable;

(3) Prevent or abate the pollution or detrimental alteration of the environment for the benefit of migratory birds, as practicable;

(4) Design migratory bird habitat and population conservation principles, measures, and practices, into agency plans and planning processes (natural resource, land management, and environmental quality plan-
(14) recognize and promote economic and recreational values of birds, as appropriate; and
(15) develop partnerships with non-Federal entities to further bird conservation.

(f) Notwithstanding the requirement to finalize an MOU within 2 years, each agency is encouraged to immediately begin implementing the conservation measures set forth above in subparagraphs (1) through (15) of this section, as appropriate and practicable.

(g) Each agency shall advise the public of the availability of its MOU through a notice published in the Federal Register.

SUC. 4. Council for the Conservation of Migratory Birds. (a) The Secretary of Interior shall establish an interagency Council for the Conservation of Migratory Birds (Council) to oversee the implementation of this order. The Council’s duties shall include the following: (1) sharing the latest resource information to assist in the conservation and management of migratory birds; (2) developing an annual report of accomplishments and recommendations related to this order; (3) fostering partnerships to further the goals of this order; and (4) selecting an annual recipient of a Presidential Migratory Bird Federal Stewardship Award for contributions to the protection of migratory birds.

(b) The Council shall include representation, at the bureau director/administrator level, from the Departments of the Interior, State, Commerce, Agriculture, Transportation, Energy, Defense, and the Environmental Protection Agency and from such other agencies as appropriate.

SUC. 5. Application and Judicial Review. (a) This order and the MOU to be developed by the agencies do not require changes to current contracts, permits, or other third party agreements.

(b) This order is intended only to improve the internal management of the executive branch and does not create any right or benefit, substantive or procedural, separately enforceable at law or equity by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

WILLIAM J. CLINTON.

§ 702. Importation of eggs of game birds for propagation

The Secretary of the Interior shall have the power to authorize the importation of eggs of game birds for purposes of propagation, and he shall prescribe all necessary rules and regulations governing the importation of eggs of said birds for such purposes.


TRANSFER OF FUNCTIONS

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note set out under section 701 of this title.

SUBCHAPTER II—MIGRATORY BIRD TREATY

§ 703. Taking, killing, or possessing migratory birds unlawful

(a) In general

Unless and except as permitted by regulations made as hereinafter provided in this subchapter, it shall be unlawful at any time, by any means or in any manner, to pursue, hunt, take, capture, kill, attempt to take, capture, or kill, possess, offer for sale, sell, offer to barter, barter, offer to purchase, purchase, deliver for shipment, ship, export, import, cause to be shipped,
exported, or imported, deliver for transportation, transport or cause to be transported, carry or cause to be carried, or receive for shipment, transportation, carriage, or export, any migratory bird, any part, nest, or egg of any such bird, or any product, whether or not manufactured, which consists, or is composed in whole or part, of any such bird or any part, nest, or egg thereof, included in the terms of the conventions between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916 (39 Stat. 1702), the United States and the Mexican United States for the protection of migratory birds and game mammals concluded February 7, 1936, the United States and the Government of Japan for the protection of migratory birds and birds in danger of extinction, and their environment concluded March 4, 1972, and the convention between the United States and the Union of Soviet Socialist Republics for the conservation of migratory birds and their environments concluded November 19, 1976.

(b) Limitation on application to introduced species

(1) In general

This subchapter applies only to migratory bird species that are native to the United States or its territories.

(2) Native to the United States defined

(A) In general

Subject to subparagraph (B), in this subchapter the term “native to the United States or its territories” means occurring in the United States or its territories as the result of natural biological or ecological processes.

(B) Treatment of introduced species

For purposes of paragraph (1), a migratory bird species that occurs in the United States or its territories solely as a result of intentional or unintentional human-assisted introduction shall not be considered native to the United States or its territories unless—

(i) it was native to the United States or its territories and extant in 1918;

(ii) it was extirpated after 1918 throughout its range in the United States and its territories; and

(iii) after such extirpation, it was reintroduced in the United States or its territories as a part of a program carried out by a Federal agency.


AMENDMENTS


1974—Pub. L. 93–300 substituted “any part, nest, or egg of any such bird, or any product, whether or not manufactured, which consists, or is composed in whole or part, of any such bird or any part, nest, or egg thereof” for “and the United States and the Government of Japan for the protection of migratory birds and birds in danger of extinction, and their environment concluded March 4, 1972,” for period at end.

1966—Act June 20, 1936, amended section generally.

Prior to amendment, text read as follows: “Unless and except as permitted by regulations made as hereinafter provided, it shall be unlawful to hunt, take, capture, kill, attempt to take, capture or kill, possess, offer for sale, sell, offer to purchase, purchase, deliver for shipment, ship, cause to be shipped, deliver for transportation, transport, cause to be transported, carry or cause to be carried by any means whatever, receive for shipment, transportation or carriage, or export, at any time or in any manner, any migratory bird, included in the terms of the convention between the United States and Great Britain for the protection of migratory birds concluded August sixteenth, nineteen hundred and six-teen, or any part, nest, or egg of any such bird.”

EFFECTIVE DATE OF 1974 AMENDMENT

Section 3 of Pub. L. 93–300 provided that: ‘‘The amendments made by this Act [amending this section] shall take effect on the date on which the President proclaims the exchange of ratifications of the convention between the United States and the Government of Japan for the protection of migratory birds and birds in danger of extinction, and their environment concluded March 4, 1972, or on the date of the enactment of this Act [June 1, 1974], whichever date is later.’’

EFFECTIVE DATE OF 1936 AMENDMENT

Act June 20, 1936, ch. 634, §3, 49 Stat. 1556, provided in part that the amendment by section 3 is effective as of the day aforesaid, meaning the day on which the President shall proclaim the exchange of ratifications of the convention between the United States and the Union of Soviet Socialist Republics for the protection of migratory birds and game mammals concluded Feb. 7, 1936, or on June 20, 1936, whichever date is later. Such proclamation was made on June 30, 1937. See section 1 of act June 20, 1936, ch. 634, 49 Stat. 1555.

PUBLICATION OF LIST


“(1) IN GENERAL.—Not later than 90 days after the date of enactment of this section [Dec. 8, 2004], the Secretary of the Interior shall publish in the Federal Register a list of all nonnative, human-introduced bird species to which the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.) does not apply. As necessary, the Secretary may update and publish the list of species exempted from protection of the Migratory Bird Treaty Act.

“(2) PUBLIC COMMENT.—Before publishing the list under paragraph (1), the Secretary shall provide adequate time for public comment.

“(3) EFFECT OF SECTION.—Nothing in this subsection shall delay implementation of other provisions of this section [amending this section and enacting provisions set out as notes under this section and section 710 of this title] or amendments made by this section that exclude nonnative, human-introduced bird species from the application of the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.).’’

RELATIONSHIP OF PUB. L. 108–447 TO TREATIES

Pub. L. 108–447, div. E, title I, §143(d), Dec. 8, 2004, 118 Stat. 3072, provided that: ‘‘It is the sense of Congress that the language of this section [amending this section and enacting provisions set out as notes under this section and section 710 of this title] is consistent with the intent and language of the 4 bilateral treaties implemented by this section.’’
INCIDENTAL TAKING OF MIGRATORY BIRDS DURING MILITARY READINESS ACTIVITIES

SEC. 1. SHORT TITLE.
"This Act may be cited as the `Arctic Tundra Habitat Emergency Conservation Act`.

SEC. 2. FINDINGS AND PURPOSES.
(a) FINDINGS.—The Congress finds the following:
(1) The winter index population of mid-continent light geese was 800,000 birds in 1969, while the total population of such geese is more than 5,200,000 birds today.
(2) The population of mid-continent light geese is expanding by over 5 percent each year, and in the absence of new wildlife management actions it could grow to more than 6,800,000 breeding light geese in 3 years.
(3) The primary reasons for this unprecedented population growth are—
(A) The expansion of agricultural areas and the resulting abundance of cereal grain crops in the United States;
(B) The establishment of sanctuaries along the United States flyways of migrating light geese; and
(C) A decline in light geese harvest rates.
(4) As a direct result of this population explosion, the Hudson Bay Lowlands Salt-Marsh ecosystem in Canada is being systematically destroyed.

SEC. 3. FORCE AND EFFECT OF RULES TO CONTROL OVERABUNDANT MID-CONTINENT LIGHT GEESE POPULATIONS.
(a) FORCE AND EFFECT.—
(1) In general.—The rules published by the Service on February 15, 1969, relating to use of additional hunting methods to increase the harvest of mid-continent light geese (64 Fed. Reg. 7507-7517) and the establishment of a conservation order for the reduction of mid-continent light goose populations (64 Fed. Reg. 7517-7528), shall have the force and effect of law.
(2) Public notice.—The Secretary, acting through the Director of the Service, shall take such action as is necessary to appropriately notify the public of the force and effect of the rules referred to in paragraph (1).
“SEC. 4. COMPREHENSIVE MANAGEMENT PLAN.

“SEC. 5. DEFINITIONS.

the Service to issue rules, under another law, to regulate the management of mid-continent light geese populations;

“(A) the date of the publication of a final environmental impact statement for such rules under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)); and


“(c) RULE OF CONSTRUCTION.—This section shall not be construed to limit the authority of the Secretary or the Service to issue rules, under another law, to regulate the taking of mid-continent light geese.

“SEC. 4. COMPREHENSIVE MANAGEMENT PLAN.

“(a) IN GENERAL.—Not later than the end of the period described in section 103(b) (probably means section 3(b)), the Secretary shall prepare, and as appropriate implement, a comprehensive, long-term plan for the management of mid-continent light geese and the conventions, taking into account the reasons for the population growth specified in section 102(a)(3) (probably means section 2(a)(3));

“(b) REQUIRED ELEMENTS.—The plan shall apply principles of adaptive resource management and shall include—

“(1) a description of methods for monitoring the levels of populations and the levels of harvest of mid-continent light geese, and recommendations concerning long-term harvest levels;

“(2) recommendations concerning other means for the management of mid-continent light goose populations, taking into account the reasons for the population growth specified in section 102(a)(3) (probably means section 2(a)(3));

“(3) an assessment of, and recommendations relating to, conservation of the breeding habitat of mid-continent light geese;

“(4) an assessment of, and recommendations relating to, conservation of native species of wildlife adversely affected by the overabundance of mid-continent light geese, including the species specified in section 102(a)(5) (probably means section 2(a)(5)); and

“(5) an identification of methods for promoting collaboration with the Government of Canada, States, and other interested persons.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2000 through 2002.

“SEC. 5. DEFINITIONS.

“In this Act:

“(1) MID-CONTINENT LIGHT GEESE.—The term ‘mid-continent light geese’ means Lesser snow geese (Anser caerulescens caerulescens) and Ross’ geese (Anser rossii) that primarily migrate between Canada and the States of Alabama, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming.

“(2) SECRETARY.—The term ‘Secretary’ means the Secretary of the Interior.

“(3) SERVICE.—The term ‘Service’ means the United States Fish and Wildlife Service.”

§ 704. Determination as to when and how migratory birds may be taken, killed, or possessed

(a) Subject to the provisions and in order to carry out the purposes of the conventions, referred to in section 703 of this title, the Secretary of the Interior is authorized and directed, from time to time, having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of such birds, to determine when, to what extent, if at all, and by what means, it is compatible with the terms of the conventions to allow hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, or export of any such bird, or any part, nest, or egg thereof, and to adopt suitable regulations permitting and governing the same, in accordance with such determinations, which regulations shall become effective when approved by the President.

(b) It shall be unlawful for any person to—

(1) take any migratory game bird by the aid of baiting, or on or over any baited area, if the person knows or reasonably should know that the area is a baited area; or

(2) place or direct the placement of bait on or adjacent to an area for the purpose of causing, inducing, or allowing any person to take or attempt to take any migratory game bird by the aid of baiting on or over the baited area.


AMENDMENTS

1998—Pub. L. 105–312 designated existing provisions as subsec. (a) and added subsec. (b).

1986—Act June 20, 1936, substituted “conventions” for “convention” in two places.

EFFECTIVE DATE OF 1936 AMENDMENT

Act June 20, 1936, ch. 634, §2, 49 Stat. 1556, provided in part that the amendment by section 2 is effective as of the day aforesaid (June 30, 1937). See note under section 703 of this title.

TRANSFER OF FUNCTIONS

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan, No. II of 1939, see Transfer of Functions note set out under section 701 of this title.

DELEGATION OF FUNCTIONS

For delegation to Secretary of the Interior of authority vested in President, see Ex. Ord. No. 10752, Feb. 12, 1938, 23 F.R. 973, set out as a note under section 715j of Title 15, Commerce and Trade.

Secretary of the Interior empowered to promulgate regulations under this section without approval, ratification, or other action of President, see section 2(b) of Ex. Ord. No. 10250, June 5, 1951, 16 F.R. 5385, set out as a note under section 701 of Title 3, The President.

REPORT ON EFFECTS OF 1998 AMENDMENTS

Pub. L. 105–312, title I, §104, Oct. 30, 1998, 112 Stat. 2956, provided that: “Not later than 5 years after the date of enactment of this Act [Oct. 30, 1998], the Secretary of the Interior shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources [now Committee on Natural Resources] of the House of Representatives a report analyzing the effect of the amendments made by section 2 (probably should be section 102, which amended this section), and the general practice of baiting, on migratory bird conservation and law enforcement efforts under the Migratory Bird Treaty Act (16 U.S.C. 701 et seq.) [16 U.S.C. 703 et seq.].”

§ 705. Transportation or importation of migratory birds; when unlawful

It shall be unlawful to ship, transport, or carry, by any means whatever, from one State,
Teritory, or district to or through another State, Territory, or district, or to or through a foreign country, any bird, or any part, nest, or egg thereof, captured, killed, taken, shipped, transported, or carried at any time contrary to the laws of the State, Territory, or district in which it was captured, killed, or taken, or from which it was shipped, transported, or carried. It shall be unlawful to import any bird, or any part, nest, or egg thereof, captured, killed, taken, shipped, transported, or carried contrary to the laws of any Province of the Dominion of Canada in which the same was captured, killed, or taken, or from which it was shipped, transported, or carried.


**AMENDMENTS**

1969—Pub. L. 91–135 repealed second par., which prohibited shipment of wild game mammals or parts thereof by any person of the United States to and from Mexico, except by permit from the Secretary of the Interior.

1936—Act June 20, 1936, inserted last sentence.

**Effective Date of 1969 Amendment**

Section 11 of Pub. L. 91–135 provided that: "The provisos of sections 1 through 10 of this Act [enacting sections 668cc–1 to 668cc–6 of this title and amending this section, sections 851, 852, 852a, and 852b of this title, and sections 43, 44, 3054, and 3112 of Title 18, Crimes and Criminal Procedure] shall be effective one hundred and eighty days after the date of enactment of this Act [Dec. 5, 1969]."

**Effective Date of 1936 Amendment**

Act June 20, 1936, ch. 634, § 4, 49 Stat. 1556, provided in part that the amendment by section 4 is effective as of the day aforesaid (June 30, 1937). See note under section 703 of this title.

**Transfer of Functions**

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note set out under section 701 of this title.

§ 706. Arrests; search warrants

Any employee of the Department of the Interior authorized by the Secretary of the Interior to enforce the provisions of this subchapter shall have power, without warrant, to arrest any person committing a violation of this subchapter in his presence or view and to take such person immediately for examination or trial before an officer or court of competent jurisdiction; shall have power to 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 shall have authority, with a search warrant, to search any place. The several judges of the courts established under the laws of the United States, and United States magistrate judges may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue warrants in all such cases. All birds, or parts, nests, or eggs thereof, captured, killed, taken, sold or offered for sale, bartered or offered for barter, purchased, shipped, transported, carried, imported, exported, or possessed contrary to the provisions of this subchapter or of any regulation prescribed thereunder shall, when found, be seized and, upon conviction of the offender or upon judgment of a court of the United States that the same were captured, killed, taken, sold or offered for sale, bartered or offered for barter, purchased, shipped, transported, carried, imported, exported, or possessed contrary to the provisions of this subchapter or of any regulation prescribed thereunder, shall be forfeited to the United States and disposed of by the Secretary of the Interior in such manner as he deems appropriate.


**AMENDMENTS**

1978—Pub. L. 95–616 made provisions respecting seizures and judgment of court applicable to birds, or parts, nests, or eggs sold or offered for sale, bartered or offered for barter, purchased, imported and exported and substituted "any regulation prescribed thereunder" in two places for "any regulations made pursuant thereto" and "any regulation made pursuant thereto" and provision for disposition of the birds, etc., by Secretary of the Interior in such manner as he deems appropriate for prior provision for such disposition as directed by court having jurisdiction.

**Change of Name**


**Transfer of Functions**

Enforcement functions of Secretary or other official in Department of the Interior related to compliance with protection of certain birds under 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, 4 F.R. 203(a), 44 F.R. 33663, 33666, 83 Stat. 1373, 1376, effective July 1, 1979, set out in the Appendix to Title 5, Government Organization and Employee, 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 7315 of Title 15, Commerce and Trade. Functions and authority vested in Secretary of Energy subsequently transferred to Federal Coordinator for Alaska Natural Gas Transportation Projects by section 730A(f) of Title 15.

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note set out under section 701 of this title.

§ 707. Violations and penalties; forfeitures

(a) Except as otherwise provided in this section, any person, association, partnership, or corporation who shall violate any provisions of
said conventions or of this subchapter, or who shall violate or fail to comply with any regulation made pursuant to this subchapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than $15,000 or be imprisoned not more than six months, or both.

(b) Whoever, in violation of this subchapter, shall knowingly—

(1) take by any manner whatsoever any migratory bird with intent to sell, offer to sell, barter or offer to barter such bird, or

(2) sell, offer for sale, barter or offer to barter, any migratory bird shall be guilty of a felony and shall be fined not more than $2,000 or imprisoned not more than two years, or both.

(c) Whoever violates section 704(b)(2) of this title shall be fined under title 18, imprisoned not more than 1 year, or both.

(d) All guns, traps, nets and other equipment, vessels, vehicles, and other means of transportation used by any person when engaged in pursuing, hunting, taking, trapping, ensnaring, capturing, killing, or attempting to take, capture, or kill any migratory bird in violation of this subchapter with the intent to offer for sale, or sell, or offer for barter, or barter such bird in violation of this subchapter shall be forfeited to the United States and may be seized and held pending the prosecution of any person arrested for violating this subchapter and upon conviction for such violation, such forfeiture shall be adjudicated as a penalty in addition to any other provided for violation of this subchapter. Such forfeited property shall be disposed of and accounted for by, and under the authority of, the Secretary of the Interior.


AMENDMENTS


Subsecs. (c), (d), Pub. L. 105–312, §103(2), (3), added subsec. (c) and redesignated former subsec. (c) as (d). Pub. L. 99–645 substituted "shall knowingly" for "shall" in introductory provisions.

1960—Pub. L. 86–732 designated existing provisions as subsec. (a), inserted "Except as otherwise provided in this section" and added subsecs. (b) and (c).

1936—Act June 20, 1936, substituted "conventions" for "convention".

EFFECTIVE DATE OF 1936 AMENDMENT

Act June 20, 1936, ch. 634, §2, 49 Stat. 1556, provided in part that this amendment by section 2 is effective as of the day aforesaid (June 30, 1937). See note under section 703 of this title.

§ 709. Omitted

CODIFICATION

Section, act July 3, 1918, ch. 128, §8, 40 Stat. 756, authorized taking and use of migratory birds, nests, or eggs for scientific or propagating purposes until adoption and approval, pursuant to section 704 of this title, of regulations dealing therewith. Regulations were promulgated by Proc. July 31, 1918, 40 Stat. 1812.

§ 709a. 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 and to accomplish the purposes of said conventions and of this subchapter and regulations made pursuant thereto, and the Secretary of the Interior is authorized out of such moneys to employ in the city of Washington and elsewhere such persons and means as he may deem necessary for such purpose and may cooperate with local authorities in the protection of migratory birds and make the necessary investigations connected therewith.


EFFECTIVE DATE

Act June 20, 1936, ch. 634, §5, 49 Stat. 1556, provided in part that this section is effective as of the day aforesaid (June 30, 1937). See Effective Date of 1936 Amendment note set out under section 703 of this title.

TRANSFER OF FUNCTIONS

For transfer of certain enforcement functions of Secretary or other official in Department of the Interior under this subchapter to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, and subsequent transfer to Secretary of Energy, then to Federal Coordinator for Alaska Natural Gas Transportation Projects, see Transfer of Functions note set out under section 706 of this title.

TRANSFER OF FUNCTIONS

For transfer of certain enforcement functions of Secretary or other official in Department of the Interior under this subchapter to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, and subsequent transfer to Secretary of Energy, then to Federal Coordinator for Alaska Natural Gas Transportation Projects, see Transfer of Functions note set out under section 706 of this title.

TRANSFER OF FUNCTIONS

For transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note set out under section 701 of this title.

AVAILABILITY OF FUNDS

Section 6 of act June 20, 1936, provided: "That all moneys now or hereafter available for administration
and enforcement of said Act approved July 3, 1918 [this subchapter], shall be equally available for the administration and enforcement of said Act as hereby amended.”

§ 710. Partial invalidity; short title

If any clause, sentence, paragraph, or part of this subchapter, which shall be known by the short title of the “Migratory Bird Treaty Act”, shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

(July 3, 1918, ch. 128, §§1, 10, 40 Stat. 755, 757.)

Codification

The provisions of this section relating to short title are from section 1 of act July 3, 1918, and the provisions relating to severability are from section 10 of that act.

§ 711. Breeding and sale for food supply

Nothing in this subchapter shall be construed to prevent the breeding of migratory game birds on farms and preserves and the sale of birds so bred under proper regulation for the purpose of increasing the food supply.

(July 3, 1918, ch. 128, §12, 40 Stat. 757.)

§ 712. Treaty and convention implementing regulations; seasonal taking of migratory birds for essential needs of indigenous Alaskans to preserve and maintain stocks of the birds; protection and conservation of the birds

(1) In accordance with the various migratory bird treaties and conventions with Canada, Japan, Mexico, and the Union of Soviet Socialist Republics, the Secretary of the Interior is authorized to issue such regulations as may be necessary to assure that the taking of migratory birds and the collection of their eggs, by the indigenous inhabitants of the State of Alaska, shall be permitted for their own nutritional and other essential needs, as determined by the Secretary of the Interior, during seasons established so as to provide for the preservation and maintenance of stocks of migratory birds.

(2) The Secretary of the Interior is authorized to issue such regulations as may be necessary to implement the provisions of the convention between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916, the convention between the United States and the United Mexican States for the protection of migratory birds and game mammals concluded February 7, 1936, the convention between the United States and the Government of Japan for the protection of migratory birds in danger of extinction, and their environment concluded March 4, 1972, and the convention between the United States and the Union of Soviet Socialist Republics for the conservation of migratory birds and their environment concluded November 19, 1976.

(Pub. L. 95–616, §3(h)(2), (3), Nov. 8, 1978, 92 Stat. 3112.)

Codification

Par. (1) of section 3(h) of Pub. L. 95–616 amended section 706 of this title. Pars. (2) and (3) of such section 3(h) were redesignated (1) and (2) for codification purposes.

Section was enacted as part of the Fish and Wildlife Improvement Act of 1978, and not as part of the Migratory Bird Treaty Act which comprises this subchapter.

SUBCHAPTER III—MIGRATORY BIRD CONSERVATION

§ 715. Short title

This subchapter shall be known by the short title of “Migratory Bird Conservation Act.”

(Feb. 18, 1929, ch. 257, §1, 45 Stat. 1222.)

Short Title of 1976 Amendment


§ 715a. Migratory Bird Conservation Commission; creation; composition; duties; approval of areas of land and water recommended for purchase or rental

A commission to be known as the Migratory Bird Conservation Commission, consisting of the Secretary of the Interior, as chairman, the Administrator of the Environmental Protection Agency, the Secretary of Agriculture and two Members of the Senate, to be selected by the President of the Senate, and two Members of the House of Representatives to be selected by the Speaker, is created and authorized to consider and pass upon any area of land, water, or land and water that may be recommended by the Secretary of the Interior for purchase or rental under this subchapter, and to fix the price or prices at which such area may be purchased or rented; and no purchase or rental shall be made of any such area until it has been duly approved for purchase or rental by said commission. Any Member of the House of Representatives who is a member of the commission, if reelected to the succeeding Congress, may serve on the commission notwithstanding the expiration of a Congress. Any vacancy on the commission shall be filled in the same manner as the original appointment. The ranking officer of the branch or department of a State to which is committed the administration of its game laws, or his authorized representative, and in a State having no such branch or department, the governor thereof, or his authorized representative, shall be a member ex officio of said commission for the purpose of considering and voting on all
questions relating to the acquisition, under this subchapter, of areas in his State. For purposes of this subchapter, the purchase or rental of any area of land, water, or land and water includes the purchase or rental of any interest in any such area of land, water, or land and water.


AMENDMENTS

1989—Pub. L. 101–233 substituted “Administrator of the Environmental Protection Agency” for “Secretary of Transportation”.

1976—Pub. L. 94–215 inserted provision including in the purchase or rental of any area of land, water, or land and water the purchase or rental of any interest in any such area of land, water, or land and water.

1968—Pub. L. 90–261 substituted the Secretary of the Interior for Secretary of Commerce in the membership of the Commission.

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, and provided that Secretary of the Interior should be chairman of Migratory Bird Conservation Commission and that Secretary of Agriculture should be a member thereof.

§ 715b. Omitted

CODIFICATION


§ 715c. Areas recommended for approval; character

The Secretary of the Interior may not recommend any area for purchase or rental under the terms of this subchapter unless the Secretary of the Interior—

(1) has determined that such area is necessary for the conservation of migratory birds; and

(2) has consulted with the county or other unit of local government in which such area is located and with the Governor of the State concerned or the appropriate State agency.


AMENDMENTS

1978—Pub. L. 95–552 substituted “may not recommend any area” for “shall recommend no area”, incorporated existing provision in item (1) and added item (2).

1966—Pub. L. 89–669 struck out “game” from “migratory game birds”.

TRANSFER OF FUNCTIONS

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note set out under section 715a of this title.

§ 715d. Purchase or rental of approved areas or interests therein; gifts and devises; United States lands

The Secretary of the Interior may—

(1) purchase or rent such areas or interests therein as have been approved for purchase or rental by the Commission at the price or prices fixed by the Commission; and

(2) acquire, by gift or devise, any area or interests therein;

which he determines to be suitable for use as an inviolate sanctuary, or for any other management purpose, for migratory birds. The Secretary may pay, when deemed necessary by him and from moneys authorized to be appropriated for the purposes of this subchapter (A) the purchase or rental price of any such area or interest therein, and (B) the expenses incident to the location, examination, survey, and acquisition of title (including options) of any such area or interest therein. No lands acquired, held, or used by the United States for military purposes shall be subject to any provisions of this subchapter.


AMENDMENTS

1978—Pub. L. 95–616 incorporated existing provisions in pars. (1) and (2) and cls. (A) and (B), made provisions applicable to interests in approved areas, and inserted authority for purchase or acquisition for other management purposes.

TRANSFER OF FUNCTIONS

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note set out under section 715a of this title.


Sections, act June 15, 1935, ch. 261, title III, §§302, 303, 49 Stat. 382; provided for acceptance of land in exchange for other land or timber, etc. rights and for acceptance of land in exchange for patent to nonmineral public land. See section 668dd(b)(3) of this title.

§ 715d–3. Omitted

CODIFICATION

Section, act June 15, 1935, ch. 261, title V, §501, 49 Stat. 383, authorized President to allocate out of appropriation made to him by resolution of April 8, 1935, a sum for acquisition of areas for bird sanctuaries and refuges.

§ 715e. Examination of title; easements and reservations

The Secretary of the Interior may do all things and make all expenditures necessary to secure the safe title in the United States to the areas which may be acquired under this subchapter, but no payment shall be made for any such areas until the title thereto shall be satisfactory to the Attorney General or his designee, but the acquisition of such areas by the United States shall in no case be defeated because of
rights-of-way, easements, and reservations which from their nature will in the opinion of the Secretary of the Interior in no manner interfere with the use of the areas so encumbered for the purposes of this subchapter, but such rights-of-way, easements, and reservations retained by the grantor or lessor from whom the United States receives title under this subchapter or any other Act for the acquisition by the Secretary of the Interior of areas for wildlife refuges shall be subject to rules and regulations prescribed by the Secretary of the Interior for the use, occupation, and administration of such areas as a wildlife refuge; and it shall be expressed in the deed or lease that the use, occupation, and operation of such rights-of-way, easements, and reservations shall be subordinate to and subject to such rules and regulations as are set out in such deed or lease or, if deemed necessary by the Secretary of the Interior, to such rules and regulations as may be prescribed by him from time to time.


**AMENDMENTS**

1970—Pub. L. 91–593 inserted “or his designee” after “Attorney General”.
1935—Act June 15, 1935, inserted “under said sections or any other Act for the acquisition by the Secretary of Agriculture for areas for wildlife refuges” and “or as refuges for wildlife”, and inserted clause beginning “as are set out in such deed or lease or, if deemed necessary” etc.

### Transfer of Functions

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note set out under section 715a of this title.

### § 715e—1. Omitted

#### CODIFICATION


### § 715f. Consent of State to conveyance in fee

No deed or instrument of conveyance in fee shall be accepted by the Secretary of the Interior under this subchapter unless the State in which the area lies shall have consented by law to the acquisition by the United States of lands in that State.


**AMENDMENTS**


#### Transfer of Functions

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note set out under section 715a of this title.

### § 715g. Jurisdiction of State over areas acquired

The jurisdiction of the State, both civil and criminal, over persons upon areas acquired under this subchapter shall not be affected or changed by reason of their acquisition and administration by the United States as migratory-bird reservations, except so far as the punishment of offenses against the United States is concerned.

(Feb. 18, 1929, ch. 257, § 8, 45 Stat. 1224.)

### § 715h. Operation of State game laws

Nothing in this subchapter is intended to interfere with the operation of the game laws of the several States applying to migratory game birds insofar as they do not permit what is forbidden by Federal law.

(Feb. 18, 1929, ch. 257, § 9, 45 Stat. 1224.)

### § 715i. Administration

#### (a) Treaty obligations; rules and regulations

Areas of lands, waters, or interests therein acquired or reserved pursuant to this subchapter shall, unless otherwise provided by law, be administered by the Secretary of the Interior under rules and regulations prescribed by him to conserve and protect migratory birds in accordance with treaty obligations with Mexico, Canada, Japan, and the Union of Soviet Socialist Republics, and other species of wildlife found thereon, including species that are listed pursuant to section 1533 of this title as endangered species or threatened species, and to restore or develop adequate wildlife habitat.

#### (b) Management and public and private agency agreements authorization

In administering such areas, the Secretary is authorized to manage timber, range, and agricultural crops; to manage other species of animals, including but not limited to fenced range animals, with the objectives of perpetuating, distributing, and utilizing the resources; and to enter into agreements with public and private agencies.


**AMENDMENTS**

1973—Subsec. (a). Pub. L. 93–205 substituted “listedit pursuant to section 1533 of this title as endangered species or threatened species,” for “threatened with extinction.”
1966—Subsecs. (a), (b). Pub. L. 89–669 added subssecs. (a) and (b). Former paragraph prohibited acts on acquired areas and is now covered by section 688d(c) and (d)(1) of this title.

### EFFECTIVE DATE OF 1973 AMENDMENT

§ 715j. “Migratory birds” defined


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 this chapter. For complete classification of this Act to the Code, see section 710 of this title and Tables.

AMENDMENTS


§ 715k. Authorization of appropriations for purposes of subchapter; disposal; reservation protectors

For the acquisition, including the location, examination, and survey, of suitable areas of land, water, or land and water, for use as migratory bird reservations, and necessary expenses incident thereto, and for the administration, maintenance, and development of such areas and other preserves, reservations, or breeding grounds frequented by migratory birds and under the administration of the Secretary of the Interior, including the construction of dams, dikes, ditches, flumes, spillways, buildings, and other necessary improvements, and for the elimination of the loss of migratory birds from alkali poisoning, oil pollution of waters, or other causes, for cooperation with local authorities in wildlife conservation, for investigations and publications relating to North American birds, for personal services, printing, engraving, and issuance of circulars, posters, and other necessary matter and for the enforcement of the provisions of this subchapter, there are hereby authorized to be appropriated, in addition to all other amounts authorized by law to be appropriated, $200,000 for the fiscal year ending June 30, 1949, and for each fiscal year thereafter. No part of any appropriation authorized by this section shall be used for payment of the salary, compensation, or expenses of any United States protector, except reservation protectors for the administration, maintenance and protection of such reservations and the birds thereon: Provided, That reservation protectors appointed under the provisions of this subchapter, shall be selected, when practicable, from qualified citizens of the State in which they are to be employed. The Secretary of the Interior is authorized and directed to make such expenditures and to employ such means, including personal services in the District of Columbia and elsewhere, as may be necessary to carry out the foregoing objects.


CODIFICATION

Provisions of this section which related to appropriations for the fiscal year ending June 30, 1939, to June 30, 1939, were omitted.

AMENDMENTS

1966—Pub. L. 89–669 substituted “grounds frequented by migratory birds” for “grounds frequented by migratory game birds”, and “United States protector” for “United States game protector”.

TRANSFER OF FUNCTIONS

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note set out under section 715a of this title.

§ 715k–1. Expenditures for personal services

In the execution of this Act, the Secretary of the Interior is authorized to make such expenditures for personal services in the District of Columbia and elsewhere as he shall deem necessary.


REFERENCES IN TEXT

This Act, referred to in text, probably means the act of June 15, 1935, ch. 261, 49 Stat. 378, as classified in part to certain sections of this subchapter and of subchapter IV of this chapter. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Act June 15, 1935, in addition to the provisions set out in the text, made an appropriation for the acquisition of lands necessary to provide for the restoration, rehabilitation and protection of migratory waterfowl and other wildlife and for the erection and construction of necessary buildings, dikes, dams, canals, and other works.

Section was not enacted as part of the Migratory Bird Conservation Act which comprises this subchapter.

TRANSFER OF FUNCTIONS

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939.
§ 715k-2. Omitted

CODIFICATION


§ 715k-3. Authorization of appropriations for the preservation of wetlands and other waterfowl habitat

In order to promote the conservation of migratory waterfowl and to offset or prevent the serious loss of important wetlands and other waterfowl habitat essential to the preservation of such waterfowl, there is authorized to be appropriated for the period beginning on July 1, 1961, and ending when all amounts authorized to be appropriated have been expended, not to exceed $200,000,000.

1968—Pub. L. 90-205 substituted “seven-year period” for “fifteen-year period” for purposes of this section.

1976—Pub. L. 94-215 substituted “period beginning on July 1, 1961, and ending at the close of the aforesaid fifteen-year period” for “period beginning on July 1, 1961, and ending at the close of September 30, 1962”.

1983—Pub. L. 92-205 substituted “fifteen-year period” for “seven-year period”.

§ 715k-4. Accounting and use of appropriations

Funds appropriated each fiscal year pursuant to sections 715k–3 to 715k–5 of this title shall be accounted for, added to, and used for purposes of the migratory bird conservation fund established pursuant to section 718d of this title.

1983—Pub. L. 92-205 substituted “fifteen-year period” for “seven-year period”.

§ 715k-5. Acquisition of lands

No land shall be acquired with moneys from the migratory bird conservation fund unless the acquisition thereof has been approved by the Governor of the State or appropriate State agency.

1968—Pub. L. 90-205 struck out first three sentences which read as follows: “Funds appropriated pursuant to sections 715k–3 to 715k–5 of this title shall be treated as an advance, without interest, to the migratory bird conservation fund. Such appropriated funds, beginning on October 1, 1966, shall be repaid to the Treasury out of the migratory bird conservation fund, such repayment shall be made in annual amounts comprising 75 per centum of the moneys accruing annually to such fund. In the event the full amount authorized by section 715k–3 of this title is appropriated before October 1, 1966, the repayment of such funds pursuant to this section shall begin with the next full fiscal year.”

1986—Pub. L. 99-645 struck out first three sentences which read as follows: “Funds appropriated pursuant to sections 715k–3 to 715k–5 of this title shall be treated as an advance, without interest, to the migratory bird conservation fund. Such appropriated funds, beginning on October 1, 1966, shall be repaid to the Treasury out of the migratory bird conservation fund, such repayment shall be made in annual amounts comprising 75 per centum of the moneys accruing annually to such fund. In the event the full amount authorized by section 715k–3 of this title is appropriated before October 1, 1966, the repayment of such funds pursuant to this section shall begin with the next full fiscal year.”

AMENDMENTS


1976—Pub. L. 94-215 substituted “with fiscal year 1977” for “prior to the end of the aforesaid fifteen-year period”.

1967—Pub. L. 90-205 made minor structural changes and substituted “‘1969’” for “‘1969 and ‘fifteen-year period’ for ‘seven-year period’.”


Sections, act Feb. 18, 1929, ch. 257, §§13, 14, 45 Stat. 1225, related to: execution of provisions, powers and duties of United States judges, commissioners and employees of Department of the Interior; and penalty for violation of provisions. See section 668dd(f) and (e) of this title, respectively.

§ 715m. “Take” defined

For the purposes of this subchapter the word “take” shall be construed to mean pursue, hunt, shoot, capture, collect, kill, or attempt to pursue, hunt, shoot, capture, collect, or kill, unless the context otherwise requires.


§ 715o. National forest and power sites; use for migratory bird reservations

Nothing in this subchapter shall be construed as authorizing or empowering the Migratory Bird Conservation Commission herein created, the Secretary of the Interior, or any other board, commission, or officer, to declare, withdraw, or determine, except heretofore des-
ignated, any part of any national forest or power site, a migratory bird reservation under any of the provisions of this subchapter, except by and with the consent of the legislature of the State wherein such forest or power site is located.


REFERENCES IN TEXT
Herein created, referred to in text, means created by section 715a of this title.

TRANSFER OF FUNCTIONS
Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note set out under section 715a of this title.

§ 715p. Cooperation of State in enforcement of provisions

When any State shall, by suitable legislation, make provision adequately to enforce the provisions of this subchapter and all regulations promulgated thereunder, the Secretary of the Interior may so certify, and then and thereafter said State may cooperate with the Secretary of the Interior in the enforcement of this subchapter and the regulations thereunder.


TRANSFER OF FUNCTIONS
Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note set out under section 715a of this title.

§ 715q. Expenses of commission; authorization of appropriations

A sum sufficient to pay the necessary expenses of the commission and its members, not to exceed an annual expenditure of $7,500, is authorized to be appropriated out of any money in the Treasury not otherwise appropriated. Said appropriation shall be paid out on the audit and order of the chairman of said commission, which audit and order shall be conclusive and binding upon the Government Accountability Office as to the correctness of the accounts of said commission.


AMENDMENTS

1962—Pub. L. 87–812 increased annual expenditures from not more than $5,000 to not more than $7,500 and corrected a misspelling of “commission”.

§ 715r. Partial invalidity; validity of remainder

If any provision of this subchapter or the application thereof to any person or circumstance is held invalid the validity of the remainder of this subchapter and of the application of such provision to other persons and circumstances shall not be affected thereby.

(Feb. 18, 1929, ch. 257, §19, 45 Stat. 1226.)

§ 715s. Participation of local governments in revenue from areas administered by the United States Fish and Wildlife Service

(a) Separate fund in the United States Treasury; availability of funds until expended; “National Wildlife Refuge System” defined

Beginning with the next full fiscal year and for each fiscal year thereafter, all revenues received by the Secretary of the Interior from the sale or other disposition of animals, salmonoid carcasses, timber, hay, grass, or other products of the soil, minerals, shells, sand, or gravel, from other privileges, or from leases for public accommodations or facilities incidental to but not in conflict with the basic purposes for which those areas of the National Wildlife Refuge System were established, during each fiscal year in connection with the operation and management of those areas of the National Wildlife Refuge System, National Fish Hatcheries, or other areas, that are solely or primarily administered by him, through the United States Fish and Wildlife Service, shall be covered into the United States Treasury and be reserved in a separate fund for disposition as hereafter prescribed. Amounts in the fund shall remain available until expended, and may be expended by the Secretary without further appropriation in the manner hereafter prescribed. The National Wildlife Refuge System (hereafter referred to as the “System”) includes those lands and waters administered by the Secretary as wildlife refuges, lands acquired or reserved for the protection and conservation of fish and wildlife that are listed pursuant to section 1533 of this title as endangered species or threatened species, wildlife ranges, game ranges, wildlife management areas, and waterfowl production areas established under any law, proclamation, Executive, or public land order.

(b) Deduction of expenses

The Secretary may pay from the fund any necessary expenses incurred by him in connection with the revenue-producing and revenue-sharing measures.

(c) Payment to counties

(1) The Secretary shall pay out the fund, for each fiscal year beginning with the fiscal year ending September 30, 1979, to each county in which is situated any fee area whichever of the following amounts is greater:

(A) An amount equal to the product of 75 cents multiplied by the total acreage of that portion of the fee area which is located within such county

(B) An amount equal to three-fourths of 1 per centum of the fair market value, as determined by the Secretary, of that portion of the fee area (excluding any improvements thereto made after the date of Federal acquisition) which is located within such county

(C) An amount equal to 25 per centum of the net receipts collected by the Secretary in connection with the operation and management of such fee area during such fiscal year; but if

1 So in original. Probably should be “carcasses,”.
a fee area is located in two or more counties, the amount each such county is entitled to
shall be the amount which bears to such 25 per centum the same ratio as that portion of the
fee area acreage which is within such county bears to the total acreage of such fee area.

(2) At the end of each fiscal year the Secretary shall pay out of the fund for such fiscal year to
each county in which any reserve area is situated, an amount equal to 25 per centum of the
net receipts collected by the Secretary in connection with the operation and management of
such area during such fiscal year: Provided, That when any such area is situated in more than one
county the distributive share to each county from the aforesaid receipts shall be proportional
to its acreage of such reserve area.

(3) For purposes of this section, the Commonwealth of Puerto Rico, Guam, and the Virgin Is-
lands shall each be treated as a county.

(4)(A) For purposes of determining the fair market value of fee areas under paragraph
(1)(B), the Secretary shall—
(i) appraise before September 30, 1979, all fee areas for which payments under this section
were not authorized for fiscal years occurring before October 1, 1977; and
(ii) appraise all other fee areas, within five years after October 17, 1978, in the order in
which such areas were first established by the Service.

After initial appraisal under clause (i) or (ii), each fee area shall thereafter be reappraised by
the Secretary at least once during each five-year period occurring after the date of the ini-
tial appraisal. Until any fee area referred to in clause (ii) is initially appraised under this sub-
paragraph, the fair market value of such area shall be deemed to be that adjusted cost of the
area which was used to determine payments under this subsection for fiscal year 1977; and in
no case may the amount of any payment to any local government under paragraph (1)(B) with
respect to any fee area be less than the amount paid under paragraph (2)(A) of this subsection
(as in effect on September 30, 1977) with respect to such area.

(B) The Secretary shall make the determinations required under this subsection in such
manner as the Secretary considers to be equitable and in the public interest. All such deter-
minations shall be final and conclusive.

(5)(A) Each county which receives payments under paragraphs (1) and (2) with respect to any
fee area or reserve area shall distribute, under guidelines established by the Secretary, such
payments on a proportional basis to those units of local government (including, but not limited
to, school districts and the county itself in appropriate cases) which have incurred the loss or
reduction of real property taxes revenues by reason of the existence of such area. In any case in
which a unit of local government other than the county acts as the collecting and distribut-
ing agency for real property taxes, the payments under paragraphs (1) and (2) shall be made to
such other unit which shall distribute the payments in accordance with the guidelines.

(B) The Secretary may prescribe regulations under which payments under this paragraph
may be made to units of local government in cases in which subparagraph (A) will not effect
the purposes of this paragraph.

(C) Payments received by units of local government under this subsection may be used by
such units for any governmental purpose.

(d) Authorization of appropriations equal to difference between amount of net receipts and
aggregate amount of required payments

If the net receipts in the fund which are attributable to revenue collections for any fiscal
year do not equal the aggregate amount of payments required to be made for such fiscal year
under subsection (c) of this section to counties, there are authorized to be appropriated to the
fund an amount equal to the difference between the total amount of net receipts and such aggre-
gate amount of payments.

(e) Transfer and use of excess of net receipts over aggregate amount of required payments

If the net receipts in the fund which are attributable to revenue collections for any fiscal
year exceed the aggregate amount of payments required to be made for such fiscal year under
subsection (c) of this section to counties, the amount of such excess shall be transferred to
the Migratory Bird Conservation Fund for use in the acquisition of suitable areas for migratory

(f) Terms, conditions, and regulations for execution of revenue producing activities; disposal
of animals

The Secretary shall carry out any revenue producing activity referred to in subsection
(a)(1), (2), and (3) of this section within any fee area or reserve area subject to such terms, con-
ditions, or regulations, including sales in the open markets, as the Secretary determines to be
in the best interest of the United States. The Secretary may, in accordance with such regu-
lations as the Secretary may prescribe, dispose of animals which are surplus to any such area by
exchange of the same or other kinds, gift or loan to public institutions for exhibition or propaga-
tion purposes, and for the advancement of knowledge and the dissemination of information relating to the conservation of wildlife.

(g) Definitions

As used in this section—

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

(2) The term “fee area” means any area

which was acquired in fee by the United States and is administered, either solely or pri-
marily, by the Secretary through the Service.

(3) The term “reserve area” means any area of land withdrawn from the public domain and
administered, either solely or primarily, by the Secretary through the Service.

(4) The term “Service” means the United States Fish and Wildlife Service.

(5) The term “county” means any county, parish, or organized or unorganized borough.
The Migratory Bird Conservation Act, referred to in subsec. (e), is act Feb. 18, 1929, ch. 257, 45 Stat. 1222, which is classified generally to this subchapter. For complete classification of this Act to the Code, see section 715 of this title and Tables.

 Codification

The reference in subsec. (f) to “revenue producing activity referred to in subsection (a)(1), (2), and (3) of this section” enacted as an amendment to subsec. (f) by section 1(a)(3) of Pub. L. 95–469, is a reference to the proposed amendment as set out on pg. 1 of House Report No. 95–1197 of the 95th Congress, 2d Session, May 15, 1978, and reading in part: “(a) All revenues received during each fiscal year by the Secretary in connection with the operation and management of fee areas and reserve areas from—

“(1) the sale or disposition of aquatic, invertebrate, or crustacean and mollusk life (including, but not limited to, oysters, mussels, clams, and snails), and shellfish, sand, and gravel;

“(2) leases for public accommodations or facilities incidental to, but not in conflict with, the major purposes of such areas; and

“(3) other privileges;

shall be covered” which was not enacted by the Congress but subsec. (a) was amended as provided in the 1978 Amendment note below.

Section was not enacted as part of the “Migratory Bird Conservation Act” which comprises this subchapter.

Amendments

1962—Subsec. (h). Pub. L. 97–238 struck out subsec. (h) which had provided for administration of payments to local governments for entitlement lands, reserve areas as center area lands, and payments received by any unit of local government to be deemed payments under specified provisions. See sections 6901 and 6903 of Title 31, Money and Finance.

1978—Subsec. (a). Pub. L. 95–469, §1(a)(1), authorized the separate fund in the United States Treasury to include revenues from sale or other disposition of salmonid carcasses and extended the operation and management provision to areas of National Fish Hatcheries and other areas administered by the Secretary.

Subsec. (b). Pub. L. 95–469, §1(a)(2), substituted “revenue-producing and revenue-sharing measures” for “revenue-producing measures set forth in subsection (a) of this section”.

Subsec. (c). Pub. L. 95–469, §1(a)(3), in revising subsec. (c), substituted pars. (1) to (5) for prior text consisting of introductory text authorizing expenditures solely for benefit of public schools and roads, now covered in par. (5)(C); par. (1) of first sentence, now included in par. (2); par. (2) of first sentence, now covered in pars. (1)(B), (C) and (D); and second sentence now incorporated in par. (4)(B).

Subsec. (d). Pub. L. 95–469, §1(a)(3), substituted provision for authorization of appropriations equal to difference between amount of required payments for prior provision limiting amount payable to the counties to amount of net receipts in the fund for any fiscal year and a proportionate reduction of payments when net receipts are insufficient for aggregate amount of payments for any fiscal year.

Subsec. (e). Pub. L. 95–469, §1(a)(3), in revising subsec. (e), substituted provision authorizing use of surplus funds for acquisition of suitable areas for migratory bird refuges for prior provision making funds available for such land acquisition and eliminated provision prohibiting funds available for the Management of the National Wildlife Refuge System or for enforcement of the Migratory Bird Treaty Act from being diminished by the amendments made by Pub. L. 93–509 to this subsection unless by specific congressional enactment.

Subsec. (f). Pub. L. 95–469, §1(a)(3), substituted “The Secretary shall carry out any revenue producing activity referred to in subsection (a)(1), (2), and (3) of this section within any fee area or reserve area subject to such terms, conditions, or regulations, including sales in the open markets, as the Secretary determines to be in the best interest of the United States,” for “The disposition or sale of surplus animals, minerals, and other products, the grant of privileges, and the carrying out of any other activities that result in the collection of revenues within any areas of the System may be accomplished upon such terms, conditions, or regulations, including sales in the open markets, as the Secretary shall determine to be in the best interest of the United States,” and reenacted substance of second sentence, setting out provision for regulations at beginning rather than end of sentence.


Subsec. (h). Pub. L. 95–469, §1(a)(4), added subsec. (h). 1974—Subsec. (e). Pub. L. 93–509 substituted provisions that moneys remaining in the fund after all payments under this section are made for any fiscal year shall be transferred to the Migratory Bird Conservation Fund and shall be available for land acquisition under the Migratory Bird Conservation Act with exception that the funds available for the management of the National Wildlife Refuge System or for enforcement of the Migratory Bird Treaty Act shall not be diminished for provisions that moneys remaining in the fund after all payments are made for any fiscal year may be used by the Secretary thereafter for management of the System, including but not limited to, the construction, improvement, repair, and alteration of buildings, roads, and other facilities, and for enforcement of the Migratory Bird Treaty Act.

1973—Subsec. (a). Pub. L. 93–205 substituted “listed pursuant to section 1333 of this title as endangered species or threatened species,” for “threatened with extinction.”

1966—Subsec. (a). Pub. L. 89–699 defined the National Wildlife Refuge System to include lands acquired or reserved for the protection and conservation of fish and wildlife that are threatened with extinction.

1964—Pub. L. 88–523 substituted provisions designated as subsecs. (a) to (g) for former provisions constituting one paragraph consisting of a first clause with three provisos and a second clause; required in subsec. (a) all receipts from the National Wildlife Refuge System to be covered into a separate fund in the United States Treasury, made the fund available until expended for expenditures without further appropriation, and defined the National Wildlife Refuge System; incorporated the third proviso of the first clause and the second clause in subsec. (b); and the parenthetical matter of subsec. (c); incorporated in the reserved public lands provision of subsec. (c)(1) the formula of the first clause for returning twenty-five per centum of the net revenues from the System to the counties in which the producing refuges are located for the benefit of the public schools and roads therein; incorporated the first...
Section 2 of Pub. L. 95–469 provided that: ‘The amendments made by this Act [amending this section and sections 1603, 1605 and 1606 of former Title 31, Money and Finance], shall apply with respect to payments made to counties under title IV of the Act of June 15, 1935 [this section], for the fiscal year ending September 30, 1979, and for fiscal years thereafter; except that the amendments made to such title IV [this section] which amend sections 401(c) and (g) and paragraph (4) to section 401(c) [subsecs. (a) and (g), and (c)(4) of this section], and amend the title heading [of this section] shall take effect on the date of the enactment of this Act [Oct. 17, 1978].''

**Effective Date of 1978 Amendment: Fiscal Year of Appropriation Authorization**

The term 'actual stamp' means a Federal migratory-bird hunting and conservation stamp, which requires all migratory waterfowl hunters 16 years of age or older to buy a Federal migratory bird hunting and conservation stamp annually.

The term 'electronic stamp' means an electronic version of an actual stamp. It shall be issued in the same manner as an actual stamp issued under the Act of March 16, 1934 (16 U.S.C. 718a [718] et seq.) (popularly known as the 'Duck Stamp Act'), that is printed on paper and sold through a means in use immediately before the date of enactment of this Act [Aug. 3, 2006].

The term 'automated licensing system' means an electronic, computerized licensing system used by a State fish and wildlife agency to issue hunting, fishing, and other associated licenses and products.

The term 'electronic stamp' means an electronic version of an actual stamp that—

"(A) is a unique identifier for the individual to whom it is issued;

"(B) can be printed on paper;

"(C) is issued through a State automated licensing system that is authorized, under State law and by the Secretary under this Act, to issue electronic stamps;

"(D) is compatible with the hunting licensing system of the State that issues the electronic stamp; and

The Duck Stamp Act has been a success story since its inception. Established on March 16, 1934, the Act was seen as a way to promote wetland conservation and provide funds for wildlife management. It is a federal program that requires all migratory waterfowl hunters 16 years of age or older to purchase a federal duck stamp.

The stamp serves as an identification of the hunter, ensuring compliance with federal and state wildlife laws. Revenue generated from stamp sales is used to support wildlife conservation projects, particularly those that benefit migratory birds and their habitats. The funds are distributed through a cooperative agreement between the federal government and the individual states, ensuring that conservation efforts are carried out effectively.

The success of the Duck Stamp Act can be attributed to several factors. First, the program aligns with the values of the American public, who have a strong commitment to conservation and wildlife protection. The program also provides a tangible benefit, as funds are directed towards improving wetland habitats and supporting local wildlife management initiatives.

Moreover, the Duck Stamp Act has evolved significantly over the years, adapting to changing needs and technological advancements. In recent years, the program has embraced digital solutions, allowing for electronic stamps and streamlined licensing processes. This has not only improved efficiency but also made it easier for hunters to access the necessary permits.

The Duck Stamp Act has contributed to the preservation of vital wetland areas, ensuring that migratory bird populations thrive and contributing to the larger goal of maintaining a healthy environment for all wildlife species. Its success underscores the importance of such conservation efforts and the role of federal legislation in supporting these initiatives.

In conclusion, the Duck Stamp Act is a testament to the power of collaboration between federal and state authorities, as well as the public’s commitment to wildlife conservation. Through its innovative approach and continued support, the Act continues to play a crucial role in the protection of migratory bird species and their habitats. It serves as a model for similar programs and initiatives aimed at preserving natural resources for future generations.
SEC. 6. STATE OBLIGATIONS AND AUTHORITIES.

"(E) is described in the State application approved by the Secretary under section 4(b).

"(4) SECRETARY.—The term ‘Secretary’ means the Secretary of the Interior.

SEC. 4. ELECTRONIC DUCK STAMP PILOT PROGRAM.

"(a) REQUIREMENT TO CONDUCT PROGRAM.—The Secretary shall conduct a 3-year pilot program under which up to 15 States authorized by the Secretary may issue electronic stamps.

"(b) COMMENCEMENT AND DURATION OF PROGRAM.—The Secretary shall—

"(1) use all means necessary to expeditiously implement this section by the date that is 1 year after the beginning of the first full Federal migratory waterfowl hunting season after the date of enactment of this Act [Aug. 3, 2006]; and

"(2) carry out the pilot program for 3 Federal migratory waterfowl hunting seasons.

"(c) CONSULTATION.—The Secretary shall carry out the program in consultation with State management agencies.

SEC. 5. STATE APPLICATION.

"(a) APPROVAL OF APPLICATION REQUIRED.—A State may not participate in the pilot program under this Act unless the Secretary has received and approved an application submitted by the State in accordance with this section.

"(b) CONTENTS OF APPLICATION.—The Secretary may not approve a State application unless the application contains—

"(1) a description of the format of the electronic stamp that the State will issue under the pilot program, including identifying features of the licensee that will be specified on the stamp;

"(2) a description of any fee the State will charge for issuance of an electronic stamp;

"(3) criteria for selecting States to participate in the pilot program—

"(A) by not later than the date that is 30 days before the date of enactment of this Act, and

"(B) as otherwise specified in the application of the State approved by the Secretary under section 5.

"(3) ADDITIONAL FEES NOT AFFECTED.—This section shall not apply to the State portion of any fee collected by a State under subsection (c).

"(d) ELECTRONIC STAMP ISSUANCE FEE.—A State participating in the pilot program may charge a reasonable fee to cover costs incurred by the State and the Department of the Interior in issuing electronic stamps under the program, including costs of delivery of actual stamps.

"(4) DUPLICATE ELECTRONIC STAMPS.—A State participating in the pilot program may issue a duplicate electronic stamp to replace an electronic stamp issued by the State that is lost or damaged.

"(e) LIMITATION ON AUTHORITY TO REQUIRE PURCHASE OF STATE LICENSE.—A State may not require that an individual purchase a State hunting license as a condition of issuing an electronic stamp under the pilot program.

SEC. 7. ELECTRONIC STAMP REQUIREMENTS; RECOGNITION OF ELECTRONIC STAMP.

"(a) STAMP REQUIREMENTS.—The Secretary shall require an electronic stamp issued by a State under the pilot program—

"(1) to have the same format as any other license, validation, or privilege the State issues under the automated licensing system of the State; and

"(2) to specify identifying features of the licensee that are adequate to enable Federal, State, and other law enforcement officers to identify the holder.

"(b) RECOGNITION OF ELECTRONIC STAMP.—Any electronic stamp issued by a State under the pilot program shall, during the effective period of the electronic stamp—

"(1) bestow upon the licensee the same privileges as are bestowed by an actual stamp;

"(2) be recognized nationally as a valid Federal migratory bird hunting and conservation stamp; and

"(3) authorize the licensee to hunt migratory waterfowl in any other State, in accordance with the laws of the other State governing that hunting.

"(c) DURATION.—An electronic stamp issued by a State under the pilot program shall be valid for a period agreed to by the State and the Secretary, which shall not exceed 45 days.

SEC. 8. TERMINATION OF STATE PARTICIPATION.

"(A) by the Secretary, if the Secretary—

"(1) finds that the State has violated any of the terms of the application of the State approved by the Secretary under section 5; and

"(B) provides to the State written notice of the termination by not later than the date that is 30 days before the date of termination;

"(2) by the State, by providing written notice to the Secretary by not later than the date that is 30 days before the date of termination.

SEC. 9. EVALUATION.

"(A) EVALUATION.—The Secretary, in consultation with State fish and wildlife management agencies and appropriate stakeholders with expertise specific to the duck stamp program, shall evaluate the pilot program and determine whether the pilot program has provided a cost-effective and convenient means for issuing migratory-bird hunting and conservation stamps, including whether the program has—
§ 718a. Prohibition on taking

(a) Prohibition

(1) In general

Except as provided in paragraph (2), no individual who has attained the age of 16 years shall take any migratory waterfowl unless, at the time of the taking, the individual carries on the person of the individual a valid Migratory Bird Hunting and Conservation Stamp, validated by the signature of the individual written in ink across the face of the stamp prior to the time of the taking by the individual of the waterfowl.

(2) Exception

No stamp described in paragraph (1) shall be required for the taking of migratory waterfowl—

(A) by Federal or State agencies;

(B) for propagation; or

(C) by the resident owner, tenant, or sharecropper of the property, or officially designated agencies of the Department of the Interior, for the killing, under such restrictions as the Secretary may by regulation prescribe, of such waterfowl when found damaging crops or other property.

(b) Display of stamp

Any individual to whom a stamp has been sold under this subchapter shall, upon request, display the stamp for inspection to—

(1) any officer or employee of the Department of the Interior who is authorized to enforce this subchapter; or

(2) any officer of any State or political subdivision of a State authorized to enforce State game laws.

(c) Other licenses

Nothing in this section requires any individual to affix the Migratory Bird Hunting and Conservation Stamp to any other license prior to taking 1 or more migratory waterfowl.


AMENDMENTS


1956—Act July 30, 1956, substituted “no person who has attained the age of 16 years”, for “no person over sixteen years of age”.

1935—Act June 15, 1935, substituted “validated by his signature written by himself in ink across the face of the stamp prior to his taking such birds” for “issued to him in the manner hereinafter provided,” and struck out provisions which authorized the Secretary of Agriculture to adopt and promulgate regulations for the protection of private property in the injury of crops.

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.

§ 718b. Sales; fund disposition; unsold stamps

(a) Sales

(1) In general

The stamps required under section 718a of this title shall be sold by the Postal Service and may be sold by the Department of the Interior, pursuant to regulations promulgated jointly by the Postal Service and the Secretary, at—

(A) any post office; and

(B) such other establishments, facilities, or locations as the Postal Service or the Secretary (or a designee) may direct or authorize.

(2) Proceeds

The funds received from the sale of stamps under this subchapter by the Department of the Interior shall be deposited in the Migratory Bird Conservation Fund in accordance with section 718d of this title.

(3) Minimum and maximum values

Except as provided in subsection (b), the Postal Service shall collect the full face value of each stamp sold under this section for the applicable hunting year.

(4) Validity

No stamp sold under this subchapter shall be valid under any circumstances to authorize the taking of migratory waterfowl except—

(A) in compliance with Federal and State laws (including regulations); and

(B) on the condition that the individual so taking the waterfowl wrote the signature of the individual in ink across the face of the stamp prior to the taking; and

(C) during the hunting year for which the stamp was issued.

(5) Unused stamps

(A) Definition of retail dealer

In this paragraph, the term “retail dealer” means—

(i) any individual or entity that is regularly engaged in the business of retailing hunting or fishing equipment; and

(ii) any individual or entity duly authorized to act as an agent of a State or political subdivision of a State for the sale of State or county hunting or fishing licenses.

(B) Redemption of unused stamps

The Department of the Interior, pursuant to regulations promulgated by the Secretary, shall provide for the redemption, on or before the 30th day of June of each year,
of unused stamps issued for the year under this subchapter that—
(i) were sold on consignment to any person authorized by the Secretary to sell stamps on consignment (including retail dealers for resale to customers); and
(ii) have not been resold by any such person.

(6) Prohibition on certain stamp sales

The Postal Service shall not—
(A) sell on consignment any stamps issued under this subchapter to any individual, business, or organization; or
(B) redeem stamps issued under this subchapter that are sold on consignment by the Secretary (or any agent of the Secretary).

(b) Cost of stamps

The Postal Service shall collect $10.00 for each stamp sold under the provisions of this section for hunting years 1987 and 1988, $12.50 for hunting years 1989 and 1990, and $15.00 for each hunting year thereafter, if the Secretary determines, at any time before February 1 of the calendar year in which such hunting year begins, that all sums in the Migratory Bird Conservation Fund available for obligation and attributable to—
(1) amounts appropriated pursuant to this subchapter for the fiscal year ending in the immediately preceding calendar year; and
(2) the sale of stamps under this section during such fiscal year have been obligated for expenditure.


**AMENDMENTS**


Subsec. (a). Pub. L. 109–266, § 10(b), added subsec. (a) and struck out former subsec. (a) which related to issuance and sale of stamps, fund disposition, and unused stamps.

Subsec. (b). Pub. L. 109–266, § 10(c)(4), which directed amendment of par. (2) by striking “For purposes” and all that follows through “of any such year.”, was executed by striking “For purposes of this section, the term ‘hunting year’ means the 12-month period beginning on July 1 of any such year,” at the end of the concluding provisions following par. (2), to reflect the probable intent of Congress.

Pub. L. 109–266, § 10(c)(3), inserted heading and substituted “Secretary” for “Secretary of the Interior” and “Migratory Bird Conservation Fund” for “migratory bird conservation fund” in introductory provisions.

1986—Subsec. (b). Pub. L. 99–645, § 202(1), (2), in introductory provisions, substituted “$10.00 for each stamp sold under the provisions of this section for hunting years 1987 and 1988, $12.50 for hunting years 1989 and 1990, and $15.00 for each hunting year thereafter, if” for “$7.50 for each stamp sold under the provisions of this section for any hunting year if”.


Pub. L. 95–552, § 1(1), (2), designated existing provisions as subsec. (a), inserted in third sentence introductory text “Except as provided in subsection (b) of this section,” and “and for any hunting year before “there shall be collected”.


1975—Pub. L. 94–273 substituted “the year” for “the fiscal year” and “each year” for “each fiscal year”.

Pub. L. 94–215 authorized sale of stamps by the Department of the Interior, substituted provision for prescription of regulations jointly by the Postal Service and the Secretary of the Interior for prior provision for such prescription by the Postal Service and provision for sale of stamps at any establishment, facility, or location as the Postal Service and the Secretary of the Interior shall direct and authorize for prior provision for sale of stamps at such post offices other than first- and second-class post offices as the Postal Service shall direct and inserted provision respecting deposit of funds from sale of stamps by the Department of the Interior in the migratory bird conservation fund; and substituted “September” for “June” in relation to redemption of blocks of stamps, designated existing provisions as cls. (A) and (B), and substituted “consignment to any person, including, but not limited to, retail dealers” for “consignment to retail dealers” in cl. (A) and “by any such person” for “by such dealers” in cl. (B), respectively.

1971—Pub. L. 92–214 substituted “Postal Service” for “Post Office Department” and “Postmaster General” and inserted provisions authorizing the collection of up to $5 for each stamp sold to be determined by the Secretary of the Interior after taking into consideration, among other matters, the increased cost of lands needed for the conservation of migratory birds.

1958—Pub. L. 85–565 increased cost of stamp from $2 to $3.

1956—Act July 30, 1956, § 2, struck out in existing next to last sentence requirement that stamps remaining unsold by the Post Office Department subsequent to becoming void after the 30th day of June next succeeding issuance be destroyed, substituted provisions in existing last sentence relating to redemption of blocks of unused stamps sold on consignment to retail dealers for resale to their customers, for provisions prohibiting the redemption by the Department in cash or kind of stamps sold under this Act, and inserted sentence defining “retail dealers.” For further amendment of next to last sentence of this section, see section 3(c) of act July 30, 1956, set out below.

Act July 30, 1956, § 3(c), formerly § 3(b), as renumbered by Pub. L. 109–266, § 10(1)(1), substituted provisions in fourth sentence authorizing use as migratory-bird stamps only during fiscal year for which issued, for provisions requiring stamps to expire and be void after the 30th day of June next succeeding issuance. Amendment of fourth sentence by section 3(c) further amends amendments made to next to last sentence by section 2 of act July 30, 1956, as set out above.

1949—Act Aug. 12, 1949, increased cost of stamp from §1 to §2.


**Effective Date of 1958 Amendment**

Pub. L. 85–565, § 4, Aug. 1, 1958, 72 Stat. 487, provided that: “The amendment made by the first section of this Act [amending this section] shall become effective on July 1, 1958. The amendment made by section 2 of this Act [amending section 718d of this title] making available the net proceeds of all moneys received in the migratory bird conservation fund for the location, ascen-
§ 718b–1. Disposition of unsold stamps

(a) Disposition of unsold stamps

A Migratory Bird Hunting and Conservation Stamp shall be transferred to the Postal Service or the Secretary of the Interior (or a designee) for sale to a collector if the stamp—

(1) has not been sold by the end of the hunting year (as that term is defined in section 718j of this title) during which the stamp is issued; and

(2) as determined by the Postal Service or the Secretary of the Interior—

(A) is appropriate to supply a market for sale to collectors; and

(B) is in suitable condition for sale to a collector.

(b) Surplus stock

The Postal Service or the Secretary of the Interior may destroy any surplus stock of Migratory Bird Hunting and Conservation Stamps at such time and in such manner as the Postal Service or the Secretary of the Interior determines to be appropriate.


CODIFICATION

Section was not enacted as part of act Mar. 16, 1934, which comprises this subchapter.

PRIORITY PROVISIONS

A prior section 3(b) of act July 30, 1956, ch. 782, 70 Stat. 722, amended section 718b of this title prior to being redesignated 3(c) by section 10(1)(1) of Pub. L. 109–266.

AMENDMENTS

1978—Pub. L. 95–616 inserted “or convention” after “treaty”.

§ 718d. Expenditure of funds

(a) In general

All funds received for stamps sold under this subchapter shall be—

(1) accounted for by the Postal Service or the Secretary, as appropriate;

(2) paid into the Treasury of the United States; and

(3) reserved and set aside as a special fund, to be known as the “Migratory Bird Conservation Fund” (referred to in this section as the “fund”), to be administered by the Secretary.

(b) Use of funds

All funds received into the fund are appropriated for the following purposes, to remain available until expended:

(1) Advance allotments

So much as may be necessary shall be used by the Secretary for engraving, printing, issuing, selling, and accounting for Migratory Bird Hunting and Conservation Stamps and moneys received from the sale thereof, in addition to expenses for personnel services in the District of Columbia and elsewhere, and such other expenses as may be necessary in executing the duties and functions required of the Postal Service.

(2) Areas for refuges

Except as provided in paragraph (3) and subsection (c), the remainder shall be available for the location, ascertainment, and acquisition of suitable areas for migratory bird refuges under the provisions of the Migratory Bird Conservation Act (16 U.S.C. 715 et seq.) and for the administrative costs incurred in the acquisition of such areas.

(3) Conditions on use of funds

The Secretary may use funds made available under paragraph (2) for the purposes of that paragraph, and such other funds as may be appropriated for the purposes of that paragraph or this paragraph, to acquire, or defray the expense incident to the acquisition by gift, devise, lease, purchase, or exchange of, small wetland and pothole areas, interests therein, and rights-of-way to provide access thereto. Such small areas, to be designated as “Waterfowl Production Areas”, may be acquired.
without regard to the limitations and requirements of the Migratory Bird Conservation Act (16 U.S.C. 715 et seq.), but all of the provisions of such Act which govern the administration and protection of lands acquired thereunder, except the inviolate sanctuary provisions of such Act, shall be applicable to areas acquired pursuant to this paragraph.

(c) Promotion of stamp sales

(1) In general

The Secretary may use funds from the sale of Migratory Bird Hunting and Conservation Stamps, not to exceed $1,000,000 in each of fiscal years 1999, 2000, 2001, 2002, and 2003, for the promotion of additional sales of those stamps, in accordance with a Migratory Bird Conservation Commission approved annual marketing plan. Such promotion shall include the preparation of reports, brochures, or other appropriate materials to be made available to the public that describe the benefits to wildlife derived from stamp sales.

(2) Components of report

The Secretary shall include in each annual report of the Commission the following objects and shall be available therefor moneys received into such fund as appropriated for the purposes of that paragraph, and such other funds as may be appropriated for the purposes of that paragraph or this paragraph, for “The Secretary of the Interior is authorized to utilize funds made available under subsection (b) of this section for the purposes of such subsection, and such other funds as may be appropriated for the purposes of such subsection, or of this subsection,” and “pursuant to this paragraph” for “pursuant to this subsection”.

Subsec. (c). Pub. L. 109–266, §10(e)(6), redesignated subsec. (d) as (c). Former subsec. (c) redesignated (b)(3).

Subsec. (c)(1). Pub. L. 109–266, §10(e)(7)(A), inserted heading and substituted “The Secretary of the Interior may utilize” for “The Secretary of the Interior may utilize” and “Migratory Bird Hunting and Conservation Stamps” for “migratory bird hunting and conservation stamps”.

Subsec. (c)(2). Pub. L. 109–266, §10(e)(7)(B), inserted heading and substituted “The Secretary” for “The Secretary of the Interior”.

Subsec. (d). Pub. L. 109–266, §10(e)(6), redesignated subsec. (d) as (c).

1998—Subsecs. (b), (d). Pub. L. 105–269 substituted “subsections (c) and (d)” for “subsection (c)” in subsec. (b) and added subsec. (d).


1971—Pub. L. 92–214 substituted “Postal Service” for “Post Office Department” in introductory provisions and “Postal Service” for “Post Office Department” and “Postmaster General” in subsec. (a).

1966—Pub. L. 89–669 struck out provisos relating to wildlife management areas and rule making for such areas which are now covered by section 668bb(d)(1) of this title.

1958—Subsecs. (a), (b), Pub. L. 85–585 earmarked proceeds from sale of stamps, less expenses of Post Office Department in connection with fish and wildlife matters, for the acquisition of migratory bird refuges, and permitted hunting of resident game birds in designated wildlife management areas.


1951—Subsec. (a). Act Oct. 20, 1951, substituted “85 per centum” for “90 per centum”.

Subsec. (b). Act Oct. 20, 1951, inserted “in enforcing” after “The remainder shall be available for expenses”.


EFFECTIVE DATE OF 1958 AMENDMENT

For effective date of amendment by Pub. L. 85–585, see section 4 of Pub. L. 85–585, set out as a note under section 718b of this title.

TRANSFER OF FUNCTIONS

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939.
§ 718e. Loans and transfers, alteration, and reproduction of stamps

(a) In general

No person to whom has been sold a Migratory Bird Hunting and Conservation Stamp, validated as provided in section 718a of this title, shall loan or transfer such stamp to any person during the period of its validity; nor shall any person other than the person validating such stamp use it for any purpose during such period.

(b) Alteration

Except as provided in clauses (i) and (ii) of section 504(f)(D) of title 18, no person shall alter, mutilate, imitate, or counterfeit any stamp authorized by this subchapter, or imitate or counterfeit any die, plate, or engraving thereof, or make, print, or knowingly use, sell, or have in his possession any such counterfeit, die, plate, or engraving.

(c) Reproduction

Notwithstanding the provisions of subsection (b) of this section, or the prohibition in section 474 of title 18, or other provisions of law, the Secretary may authorize, with the concurrence of the Secretary of the Treasury, the color reproduction, or the black and white reproduction, of Migratory Bird Hunting and Conservation Stamps authorized by sections 718 to 718h, 718c, 718d, and 718f to 718h of this title, which otherwise satisfies the requirements of clauses (i) and (iii) of section 504(1) of title 18. Any such reproduction shall be subject to those terms and conditions deemed necessary by the Secretary by regulation or otherwise and any proceeds received by the Federal Government as a result of such reproduction shall be paid, after deducting expenses for marketing, into the Migratory Bird Conservation Fund established under section 718d of this title.


AMENDMENTS


Subsec. (b). Pub. L. 109-266, §10(f)(2), inserted heading and substituted “Except as provided in clauses (i) and (ii) of section 504(f)(D) of title 18, no person shall alter” for “Except as provided in clauses (i) and (ii) of section 504(f)(D) of title 18, no person shall alter” in text.

Subsec. (c). Pub. L. 109-266, §10(f)(3)(C)(ii), which directed substitution of “shall be paid, after deducting expenses for marketing, into the Migratory Bird Conservation Fund” for “shall be paid into the migratory bird conservation fund” in concluding provisions, was executed by making the substitution for “shall be paid, after deducting expenses for marketing, into the migratory bird conservation fund” to reflect the probable intent of Congress.

Pub. L. 109-266, §10(f)(3)(A), (B), (C)(i), inserted heading, substituted “Secretary may” for “Secretary of the Interior may” in introductory provisions, and substituted “Secretary” for “Secretary of the Interior” and “Migratory Bird Hunting and Conservation Stamps” for “migratory bird hunting stamps” in concluding provisions.


1984—Subsec. (b). Pub. L. 98-369, §1077(b)(3), substituted “Except as provided in clauses (i) and (ii) of section 504(f)(D) of title 18, no person” for “No person”.


EFFECTIVE DATE OF 1984 AMENDMENT

Section 1077(c) of Pub. L. 98-369 provided that: “The amendments made by this section [amending this section and section 504 of Title 18, Crimes and Criminal Procedure] shall take effect on the date of the enactment of this Act [July 18, 1984].”

§ 718f. Enforcement

For the efficient execution of this subchapter, the judges of the several courts, established under the laws of the United States, United States magistrate judges, and persons appointed by the Secretary to enforce the provisions of this subchapter, shall have, with respect thereto, like powers and duties as are conferred upon said judges, magistrate judges, and employees of the Department of the Interior by the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.), or any other Act to carry into effect any treaty for the protection of migratory birds with respect to that Act. Any bird or part thereof taken or possessed contrary to this subchapter shall, when seized, be disposed of by the Secretary in accordance with law.


REFERENCES IN TEXT

The Migratory Bird Treaty Act, and “that 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.

AMENDMENTS

2006—Pub. L. 109-266 inserted section catchline, substituted “Secretary to” for “Secretary of Agriculture to” and “Department of the Interior” for “Department of Agriculture”, and inserted “(16 U.S.C. 703 et seq.)” after “Migratory Bird Treaty Act”. 1979—Pub. L. 96-616 substituted in last sentence “contrary to this subchapter shall, when seized, be disposed of by the Secretary in accordance with law” for “contrary to such Acts shall, when seized, be disposed of as provided by the Migratory Bird Treaty Act, or Acts aforesaid”.

CHANGE OF NAME

“United States magistrate judges” and “magistrate judges” substituted for “United States magistrates” and “magistrates”, respectively, in text pursuant to section 321 of Pub. L. 101-650, set out as a note under...
§ 718g. Violations

Any person that violates or fails to comply with any provision of this subchapter (including a regulation promulgated under this subchapter) shall be subject to the penalties described in section 707 of this title.


PRIOR PROVISIONS


§ 718h. Cooperation

The Secretary is authorized to cooperate with the States and the territories and possessions of the United States in the enforcement of this subchapter.


PRIOR PROVISIONS


§ 718i. Use of contest fees

Notwithstanding any other provision of law, funds received by the United States Fish and Wildlife Service in the form of fees for entering any Migratory Bird Hunting and Conservation Stamp contest shall be credited:

(1) first, to the appropriation account from which expenditures for the administration of the contest are made; and

(2) second, to the extent any funds remain, to the Migratory Bird Conservation Fund.


PRIOR PROVISIONS


§ 718j. Definitions

(a) In general

In this subchapter, the terms defined in the Migratory Bird Conservation Act (16 U.S.C. 715 et seq.) and the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.) have the meanings given those terms in those Acts.

(b) Other definitions

In this subchapter:

(1) Hunting year

The term “hunting year” means the 1-year period beginning on July 1 of each year.

(2) Migratory waterfowl

The term “migratory waterfowl” means the species enumerated in paragraph (a) of subdivision 1 of article I of the Convention between the United States and Great Britain for the Protection of Migratory Birds, signed at Washington on August 16, 1916 (USTS 628) (16 U.S.C. 703 et seq.).

(3) Secretary

The term “Secretary” means the Secretary of the Interior.

(4) State

The term “State” means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico;

(D) Guam;

(E) American Samoa;

(F) the Commonwealth of the Northern Mariana Islands;

(G) the Federated States of Micronesia;

(H) the Republic of the Marshall Islands;

(I) the Republic of Palau; and

(J) the United States Virgin Islands.

(5) Take

The term “take” means—

(A) to pursue, hunt, shoot, capture, collect, or kill; or

(B) to attempt to pursue, hunt, shoot, capture, collect, or kill.


REFERENCES IN Text

The Migratory Bird Conservation Act, referred to in subsec. (a), is act Feb. 18, 1929, ch. 257, 45 Stat. 1222, 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 716 of this title and Tables.

The Migratory Bird Treaty Act, referred to in subsec. (a), is act July 3, 1918, ch. 128, 40 Stat. 1222, 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 716 of this title and Tables.

PRIOR PROVISIONS


§ 718k. Use of fees collected for Federal migratory bird permits

On and after October 21, 1998, all fees collected for Federal migratory bird permits shall be available to the Secretary, without further appropriation, to be used for the expenses of the U.S. Fish and Wildlife Service in administering such Federal migratory bird permits, and shall remain available until expended.

§ 719. Establishment of Program

(a) In general

The Secretary of the Interior (in this subchapter referred to as the “Secretary”) may carry out in accordance with this subchapter a program to be known as the “Junior Duck Stamp Conservation and Design Program” (in this subchapter referred to as the “Program”) to accomplish the goals of—

(1) providing to school children environmental education opportunities relating to the conservation and management of migratory birds; and

(2) increasing the capacity for schools, States, and other educational programs to conduct conservation and education programs.

(b) Program features

The Program shall consist of—

(1) conducting in all interested States the activities which on the day before October 6, 1994, are conducted under the program known as the Junior Duck Stamp Conservation and Design Program;

(2) other activities authorized under the Program by this subchapter or any other Act; and

(3) any other activity necessary to carry out the conservation and education goals of the Program.

(c) Effort to conduct Program in all States

(1) In general

The Secretary shall take appropriate steps to seek to conduct the Program in all of the States.

(2) Annual report

The Secretary shall annually submit a report to the Congress on the status of the Program in each of the States.

Amendments

2000—Subsec. (c). Pub. L. 106–316 struck out “50” before “States” in pars. (1) and (2).

Amendments


Amendments

2006—Subsec. (c). Pub. L. 109–166 amended heading and text of subsec. (c) generally. Prior to amendment, text read as follows: “Amounts received under subsection (b) of this section—

(1) shall be available to the Secretary until expended, without further appropriations, solely for—

(A) awards, prizes, and scholarships to individuals who submit designs in competitions under subsection (a) of this section, that are—

(i) selected in such a competition as winning designs; or

(ii) otherwise determined in such a competition to be superior;

(B) awards and prizes to schools, students, teachers, and other participants to further education activities related to the conservation education goals of the Program;

(C) award ceremonies for winners of national and State Junior Duck Stamp competitions;

(D) travel expenses for winners of national and State Junior Duck Stamp competitions to award ceremonies, if—

(i) the event is intended to honor students for winning a national competition; or

(ii) the event is intended to honor students for winning a State competition;

(E) expenses for licensing and marketing under subsection (b) of this section;

(F) expenses for migratory bird reference materials or supplies awarded to schools that participate in the Program; and

(G) expenses for marketing and educational materials developed to promote the Program;”.

§ 719a. Junior Duck Stamp

(a) Competition

As part of the Program, the Secretary may annually conduct a competition to—

(1) solicit the submission by students at elementary and secondary schools of designs relating to conservation of migratory birds; and

(2) select winning designs from among those submissions for use for licensing and marketing under subsection (b) of this section.

(b) Licensing and marketing of design of Junior Duck Stamps

As part of the Program, the Secretary may—

(1) license and market winning designs selected in competitions under subsection (a) of this section; and

(2) license and market stamps bearing those designs, which shall be known as Junior Duck Stamps.

(c) Use of proceeds

Amounts received under subsection (b) of this section—

(1) shall be available to the Secretary until expended, without further appropriations, solely for—

(A) awards, prizes, and scholarships to individuals who submit designs in competitions under subsection (a) of this section, that are—

(i) selected in such a competition as winning designs; or

(ii) otherwise determined in such a competition to be superior;

(B) awards and prizes to schools, students, teachers, and other participants to further education activities related to the conservation education goals of the Program;

(C) award ceremonies for winners of national and State Junior Duck Stamp competitions;

(D) travel expenses for winners of national and State Junior Duck Stamp competitions to award ceremonies, if—

(i) the event is intended to honor students for winning a national competition; or

(ii) the event is intended to honor students for winning a State competition;

(E) expenses for licensing and marketing under subsection (b) of this section;

(F) expenses for migratory bird reference materials or supplies awarded to schools that participate in the Program; and

(G) expenses for marketing and educational materials developed to promote the Program;”.

1So in original. Subsec. (c), as amended by Pub. L. 109–166, does not contain a par. (2).

2So in original.
“(B) awards to schools and other participants to further education activities related to the conservation education goals of the Program; and
“(C) expenses for licensing and marketing under subsection (b) of this section; and
“(2) may not be used for administrative expenses of the Program.”

§ 719b. Acceptance of gifts, devises, and bequests

The Secretary may accept and use any gift, devise, or bequest of personal property, or proceeds thereof, for the purpose of funding the activities described in section 719a(c)(1)(A) and (B) of this title.


§ 719b–1. Definition of State

For the purposes of this subchapter, the term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, and any other territory or possession of the United States.


PRIOR PROVISIONS

A prior section 5 of Pub. L. 103–340 was renumbered section 6 and is classified to section 719c of this title.

§ 719c. Authorization of appropriations

(a) Authorization

There are authorized to be appropriated to the Secretary for administrative expenses of the Program $350,000 for each of the fiscal years 2006 through 2010.

(b) Limitations on use for distribution to State and regional coordinators to implement competitions

Of the amount appropriated under this section for a fiscal year—

(1) not more than $100,000 may be used by the Secretary to administer the Program; and

(2) not more than $250,000 may be distributed to State and regional coordinators to implement competitions under the Program.


CODIFICATION

Another section 6 of Pub. L. 103–340 was renumbered section 7 and enacted provisions listed in a table of National Wildlife Refuges set out under section 668dd of this title.

AMENDMENTS

2006—Pub. L. 109–166 designated existing provisions as subsec. (a), inserted subsec. (a) (heading, substituted “$350,000” for “$250,000” and “fiscal years 2006 through 2010” for “fiscal years 2001 through 2005”), and added subsec. (b).

2000—Pub. L. 106–316, § 1, substituted “for each of the fiscal years 2001 through 2005” for “for each of the fiscal years 1995 through 2000”.

CHAPTER 8—UPPER MISSISSIPPI RIVER NATIONAL WILDLIFE AND FISH REFUGE

Sec. 721. Short title; “person” defined.

722. Acquisition of lands and water.

723. Purposes of refuge; regulations by Secretary of the Interior.

724. Consent of States to acquisition; existing rights-of-way, easements, etc.

725. Regulations, etc., by Secretary of the Interior.

726. Acts prohibited in refuge; commercial fishing.


728. Expenditures.

729. Price per acre.

730. Violations of law or regulations; punishment.

731. Effect on other laws.

§ 721. Short title; “person” defined

This chapter may be cited as “The Upper Mississippi River National Wildlife and Fish Refuge Act.” The term “person” as used therein includes an individual, partnership, association, or corporation.


CODIFICATION

Section is a combination provision, the first sentence being derived from section 1 and the last from section 12, of act June 7, 1924.

AMENDMENTS


§ 722. Acquisition of lands and water

The Secretary of the Interior is authorized to acquire, by purchase, gift, or lease, such areas of land, or of land and water, situated between Rock Island, Illinois, and Wabasha, Minnesota, on either side of or upon islands in the Mississippi River which are not used for agricultural purposes, as he determines suitable for the purposes of this chapter, and any such area when acquired shall become a part of the Upper Mississippi River National Wildlife and Fish Refuge (referred to in this chapter as the “refuge”).


CODIFICATION

Section is a combination provision, the latter portion beginning with the words “and any such area,” being from section 3, and the remainder of the section from section 2 of act June 7, 1924.

AMENDMENTS

1998—Pub. L. 105–312, which directed the amendment of section 2 of the Upper Mississippi River Wild Life and Fish Refuge Act by substituting “National Wildlife” for “Wild Life”, was enacted to the part of this section based on section 3 of the act, to reflect the probable intent of Congress. See Codification note above.

1934—Act June 18, 1934, struck out “which are subject to overflow by such river” after “Mississippi River”.

TRANSFER OF FUNCTIONS

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