

Executive Documents

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.

(Feb. 18, 1929, ch. 257, § 10, 45 Stat. 1224; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; Pub. L. 89-669, § 7(b), Oct. 15, 1966, 80 Stat. 929; Pub. L. 93-205, § 13(b), Dec. 28, 1973, 87 Stat. 902; Pub. L. 95-616, § 5(b), Nov. 8, 1978, 92 Stat. 3114.)

Editorial Notes

AMENDMENTS

1978—Subsec. (a). Pub. L. 95-616 provided for treaty obligations with Japan and the Union of Soviet Socialist Republics.

1973—Subsec. (a). Pub. L. 93-205 substituted “listed 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 subsecs. (a) and (b). Former paragraph prohibited acts on acquired areas and is now covered by section 668dd(c) and (d)(1) of this title.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1973 AMENDMENT

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

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§ 715j. “Migratory birds” defined

For the purposes of this subchapter and the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.), migratory birds are those defined as such by the treaty between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916 (39 Stat. 1702), the treaty between the United States and the United Mexican States for the protection of migratory birds and game mammals concluded February 7, 1936 (50 Stat. 1311), the Convention between the Government of the United States of America 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 Environment concluded November 19, 1976.

(Feb. 18, 1929, ch. 257, § 11, 45 Stat. 1224; Pub. L. 89-669, § 7(c), Oct. 15, 1966, 80 Stat. 930; Pub. L. 95-616, § 5(c), Nov. 8, 1978, 92 Stat. 3114.)

Editorial Notes

REFERENCES IN TEXT

The Migratory Bird Treaty Act, referred to in text, is act July 3, 1918, ch. 128, 40 Stat. 755, 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

1978—Pub. L. 95-616 defined migratory birds for purposes of the Migratory Bird Treaty Act and to include those defined in the Convention of Mar. 4, 1972, concluded with Government of Japan and the Convention of Nov. 19, 1976, concluded with Union of Soviet Socialist Republics.

1966—Pub. L. 89-669 inserted “(39 Stat. 1702)” and defined migratory birds to include those defined in the Treaty of Feb. 7, 1936 (50 Stat. 1311) with the United Mexican States.

§ 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, main-

tenance, 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, 1940, 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.

(Feb. 18, 1929, ch. 257, §12, 45 Stat. 1224; 1939 Reorg. Plan No. II, §4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; Pub. L. 89-669, §7(a), Oct. 15, 1966, 80 Stat. 929.)

Editorial Notes

CODIFICATION

Provisions of this section which related to appropriations for the fiscal year ending June 30, 1930, 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”.

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§ 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.

(June 15, 1935, ch. 261, title VII, §701, 49 Stat. 384; 1939 Reorg. Plan No. II, §4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in text, probably means the act of June 15, 1935, ch. 261, 49 Stat. 378, which is 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.

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§ 715k-2. Omitted

Editorial Notes

CODIFICATION

Section, acts June 29, 1937, ch. 404, title I, 50 Stat. 421; June 16, 1938, ch. 464, title I, 52 Stat. 736; June 30, 1939, ch. 253, title I, 53 Stat. 965, made an earlier specific appropriation available for maintenance and operation of motor-propelled passenger-carrying vehicles.

§ 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.

(Pub. L. 87-383, §1, Oct. 4, 1961, 75 Stat. 813; Pub. L. 90-205, §1(a), Dec. 15, 1967, 81 Stat. 612; Pub. L. 94-215, §2(a), Feb. 17, 1976, 90 Stat. 189; Pub. L. 98-200, §1, Dec. 2, 1983, 97 Stat. 1378; Pub. L. 98-548, title I, §101, Oct. 26, 1984, 98 Stat. 2774; Pub. L. 99-645, title I, §101(a), Nov. 10, 1986, 100 Stat. 3584; Pub. L. 100-653, title III, §301, Nov. 14, 1988, 102 Stat. 3827.)

Editorial Notes

CODIFICATION

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

AMENDMENTS

1988—Pub. L. 100-653 substituted “when all amounts authorized to be appropriated have been expended” for “at the close of September 30, 1988”.

1986—Pub. L. 99-645 substituted “September 30, 1988” for “September 30, 1986”.