

see Transfer of Functions note set out under section 715a of this title.

### § 715k-2. Omitted

#### 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.)

#### 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”.

1984—Pub. L. 98-548 substituted “September 30, 1986” for “September 30, 1984”.

1983—Pub. L. 98-200 substituted “September 30, 1984” for “September 30, 1983”.

1976—Pub. L. 94-215 substituted “period beginning on July 1, 1961, and ending at the close of September 30, 1983, not to exceed \$200,000,000” for “fifteen-year period beginning with fiscal year 1962, not to exceed \$105,000,000”.

1967—Pub. L. 90-205 substituted “fifteen-year period” for “seven-year period”.

#### SHORT TITLE

Pub. L. 87-383, which enacted this section and sections 715k-4 and 715k-5 of this title, is popularly known as the “Wetlands Loan Act”.

### § 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<sup>1</sup> established pursuant to section 718d of this title.

(Pub. L. 87-383, §2, Oct. 4, 1961, 75 Stat. 813.)

#### CODIFICATION

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

<sup>1</sup> So in original. Probably should be capitalized.

### § 715k-5. Acquisition of lands

No land shall be acquired with moneys from the migratory bird conservation fund<sup>1</sup> unless the acquisition thereof has been approved by the Governor of the State or appropriate State agency.

(Pub. L. 87-383, §3, Oct. 4, 1961, 75 Stat. 813; Pub. L. 90-205, §1(b), Dec. 15, 1967, 81 Stat. 612; Pub. L. 94-215, §2(b), Feb. 17, 1976, 90 Stat. 189; Pub. L. 98-200, §2, Dec. 2, 1983, 97 Stat. 1378; Pub. L. 98-548, title I, §102, Oct. 26, 1984, 98 Stat. 2774; Pub. L. 99-645, title I, §101(b), Nov. 10, 1986, 100 Stat. 3584.)

#### CODIFICATION

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

#### AMENDMENTS

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, 1986, 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, 1986, the repayment of such funds pursuant to this section shall begin with the next full fiscal year.”

1984—Pub. L. 98-548 substituted “October 1, 1986” for “October 1, 1984” in two places.

1983—Pub. L. 98-200 substituted “October 1, 1984” for “October 1, 1983” in two places.

1976—Pub. L. 94-215 substituted “on October 1, 1983” for “with fiscal year 1977”, “before October 1, 1983” for “prior to the end of the aforesaid fifteen-year period” and “year. No” for “year: *Provided further*. That no”.

1967—Pub. L. 90-205 made minor structural changes and substituted “1977” for “1969” and “fifteen-year period” for “seven-year period”.

### §§ 715l, 715m. Repealed. Pub. L. 89-669, §7(d), Oct. 15, 1966, 80 Stat. 930

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.

### § 715n. “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.

(Feb. 18, 1929, ch. 257, §15, 45 Stat. 1225.)

### § 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-

<sup>1</sup> So in original. Probably should be capitalized.

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.

(Feb. 18, 1929, ch. 257, §16, 45 Stat. 1225; 1939 Reorg. Plan No. II, §4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

#### 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.

(Feb. 18, 1929, ch. 257, §17, 45 Stat. 1225; 1939 Reorg. Plan No. II, §4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

#### 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.

(Feb. 18, 1929, ch. 257, §18, 45 Stat. 1225; Pub. L. 87-812, Oct. 15, 1962, 76 Stat. 922; Pub. L. 108-271, §8(b), July 7, 2004, 118 Stat. 814.)

#### AMENDMENTS

2004—Pub. L. 108-271 substituted “Government Accountability Office” for “General Accounting Office”.

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,<sup>1</sup> 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

<sup>1</sup> So in original. Probably should be “carcasses.”