

“(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.

(Pub. L. 103-340, §4, Oct. 6, 1994, 108 Stat. 3120.)

#### § 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.

(Pub. L. 103-340, §5, as added Pub. L. 106-316, §2(3), Oct. 19, 2000, 114 Stat. 1276.)

#### 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.

(Pub. L. 103-340, §6, formerly §5, Oct. 6, 1994, 108 Stat. 3120; renumbered §6 and amended Pub. L. 106-316, §§1, 2(2), Oct. 19, 2000, 114 Stat. 1276; Pub. L. 109-166, §3, Jan. 10, 2006, 119 Stat. 3577.)

#### 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.

Sec.  
722. Acquisition of lands and water.  
723. Purposes of refuge; regulations by Secretary of the Interior.  
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#### § 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.

(June 7, 1924, ch. 346, §§1, 12, 43 Stat. 650, 652; Pub. L. 105-312, title II, §202(b), Oct. 30, 1998, 112 Stat. 2957.)

#### 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

1998—Pub. L. 105-312 substituted “National Wildlife” for “Wild Life”.

#### § 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”).

(June 7, 1924, ch. 346, §§2, 3, 43 Stat. 650; June 18, 1934, ch. 602, 48 Stat. 1015; 1939 Reorg. Plan No. II, §4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; Pub. L. 105-312, title II, §202(b), Oct. 30, 1998, 112 Stat. 2957.)

#### 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 executed 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,

transferred functions of Secretary of Agriculture relating to conservation of wildlife, game, and migratory birds to Secretary of the Interior.

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Pub. L. 105-312, title II, § 202(a), Oct. 30, 1998, 112 Stat. 2957, provided that: "In accordance with section 4(a)(5) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a)(5)), there are transferred to the Corps of Engineers, without reimbursement, approximately 37.36 acres of land of the Upper Mississippi River Wildlife and Fish Refuge in the State of Minnesota, as designated on the map entitled 'Upper Mississippi National Wildlife and Fish Refuge lands transferred to Corps of Engineers', dated January 1998, and available, with accompanying legal descriptions of the land, for inspection in appropriate offices of the United States Fish and Wildlife Service."

ADDITIONAL LANDS

Act June 13, 1944, ch. 243, 58 Stat. 274, provided for the acquisition of certain tracts of land situated in Wabasha County, Minnesota.

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

The refuge shall be established and maintained (a) as a refuge and breeding place for migratory birds included in the terms of the convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and (b) to such extent as the Secretary of the Interior may by regulations prescribe, as a refuge and breeding place for other wild birds, game animals, fur-bearing animals, and for the conservation of wild flowers and aquatic plants, and (c) to such extent as the Secretary of the Interior may by regulations prescribe as a refuge and breeding place for fish and other aquatic animal life.

(June 7, 1924, ch. 346, § 3, 43 Stat. 650; 1939 Reorg. Plan No. II, § 4(e), (f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

TRANSFER OF FUNCTIONS

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

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

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

(a) No such area shall be acquired by the Secretary of the Interior until the legislature of each State in which is situated any part of the areas to be acquired under this chapter has consented to the acquisition of such part by the United States for the purposes of this chapter, and, except in the case of a lease, no payment shall be made by the United States for any such area until title thereto is satisfactory to the Attorney General and is vested in the United States.

(b) The existence of a right of way, easement, or other reservation or exception in respect of such area shall not be a bar to its acquisition (1) if the Secretary of the Interior determines that any such reservation or exception will in no manner interfere with the use of the area for the purposes of this chapter, or (2) if in the deed or other conveyance it is stipulated that any reservation or exception in respect of such area, in favor of the person from whom the United States receives title, shall be subject to regulations prescribed under authority of this chapter.

(June 7, 1924, ch. 346, § 4, 43 Stat. 650; 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 723 of this title.

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

Except where it is specifically provided otherwise, the Secretary of the Interior shall prescribe such regulations, exercise such functions, and perform such duties as may be necessary to carry out the purposes of this chapter.

(June 7, 1924, ch. 346, § 5, 43 Stat. 651; 1939 Reorg. Plan No. II, § 4(e), (f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

TRANSFER OF FUNCTIONS

Enforcement functions of Secretary or other official in Department of the Interior related to compliance with approval to cross national wildlife refuges under this chapter with respect to pre-construction, construction, and initial operation of transportation system for Canadian and Alaskan natural gas transferred to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, until first anniversary of date of initial operation of Alaska Natural Gas Transportation System, see Reorg. Plan No. 1 of 1979, §§ 102(e), 203(a), 44 F.R. 33663, 33666, 93 Stat. 1373, 1376, effective July 1, 1979, set out in the Appendix to Title 5, Government Organization and Employees. Office of Federal Inspector for the Alaska Natural Gas Transportation System abolished and functions and authority vested in Inspector transferred to Secretary of Energy by section 3012(b) of Pub. L. 102-486, set out as an Abolition of Office of Federal Inspector note under section 719e of Title 15, Commerce and Trade. Functions and authority vested in Secretary of Energy subsequently transferred to Federal Coordinator for Alaska Natural Gas Transportation Projects by section 720d(f) of Title 15.

Transfer of functions of Secretary of Agriculture and Secretary of Commerce to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note set out under section 723 of this title.

**§ 726. Acts prohibited in refuge; commercial fishing**

No person shall, except in accordance with regulations prescribed by the Secretary of the Interior in respect of wild birds, game animals, fur-bearing animals, wild flowers, and aquatic plants, or in respect of fish and other aquatic-animal life—

(a) Enter the refuge for any purpose; or

(b) Disturb, injure, kill, or remove, or attempt to disturb, injure, kill, or remove any wild bird,