

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.

(July 3, 1918, ch. 128, § 9, as added June 20, 1936, ch. 634, § 5, 49 Stat. 1556; amended 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

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 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

Act June 20, 1936, ch. 634, § 6, 49 Stat. 1557, 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.

SHORT TITLE OF 2004 AMENDMENT

Pub. L. 108-447, div. E, title I, § 143(a), Dec. 8, 2004, 118 Stat. 3071, provided that: "This section [amending section 703 of this title and enacting provisions set out as notes under section 703 of this title] may be cited as the 'Migratory Bird Treaty Reform Act of 2004'."

SHORT TITLE OF 1998 AMENDMENT

Pub. L. 105-312, title I, § 101, Oct. 30, 1998, 112 Stat. 2956, provided that: "This title [amending sections 704 and 707 of this title and enacting provisions set out as a note under section 704 of this title] may be cited as the 'Migratory Bird Treaty Reform Act of 1998'."

§ 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

Pub. L. 94-215, §1, Feb. 17, 1976, 90 Stat. 189, provided: “That this Act [amending sections 668dd, 715a, 715k-3, 715k-5, 718a, 718b, and 718d of this title] may be cited as the ‘Wetlands Loan Extension Act of 1976’.”

§ 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.

(Feb. 18, 1929, ch. 257, §2, 45 Stat. 1222; 1939 Reorg. Plan No. II, §4(f), (h), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; Pub. L. 90-261, Mar. 2, 1968, 82 Stat. 39; Pub. L. 94-215, §4, Feb. 17, 1976, 90 Stat. 190; Pub. L. 101-233, §13, Dec. 13, 1989, 103 Stat. 1977.)

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 Transportation for the 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

Section, act Feb. 18, 1929, ch. 257, §3, 45 Stat. 1223, which required the commission created by section 715a of this title, through its chairman, to annually report in detail to Congress on operations of the commission, terminated, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, page 177 of House Document No. 103-7.

§ 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.

(Feb. 18, 1929, ch. 257, §4, 45 Stat. 1223; 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; Pub. L. 95-552, §2, Oct. 30, 1978, 92 Stat. 2071.)

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 Sec-