

(A) by cooperative agreement between the United States Fish and Wildlife Service and a State agency having control over wildlife resources pursuant to section 664 of this title; or

(B) by long-term leases or agreements pursuant to title III of the Bankhead-Jones Farm Tenant Act (50 Stat. 525; 7 U.S.C. 1010 et seq.).

(6) The term “Director” means the Director of the United States Fish and Wildlife Service or a designee of that Director.

(7) The terms “fish”, “wildlife”, and “fish and wildlife” mean any wild member of the animal kingdom whether alive or dead, and regardless of whether the member was bred, hatched, or born in captivity, including a part, product, egg, or offspring of the member.

(8) The term “person” means any individual, partnership, corporation, or association.

(9) The term “plant” means any member of the plant kingdom in a wild, unconfined state, including any plant community, seed, root, or other part of a plant.

(10) The terms “purposes of the refuge” and “purposes of each refuge” mean the purposes specified in or derived from the law, proclamation, executive order, agreement, public land order, donation document, or administrative memorandum establishing, authorizing, or expanding a refuge, refuge unit, or refuge sub-unit.

(11) The term “refuge” means a designated area of land, water, or an interest in land or water within the System, but does not include Coordination Areas.

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

(13) The terms “State” and “United States” mean the several States of the United States, Puerto Rico, American Samoa, the Virgin Islands, Guam, and the territories and possessions of the United States.

(14) The term “System” means the National Wildlife Refuge System designated under section 668dd(a)(1) of this title.

(15) The terms “take”, “taking”, and “taken” mean to pursue, hunt, shoot, capture, collect, or kill, or to attempt to pursue, hunt, shoot, capture, collect, or kill.

(Pub. L. 89-669, §5, Oct. 15, 1966, 80 Stat. 929; Pub. L. 105-57, §3(a), Oct. 9, 1997, 111 Stat. 1253.)

REFERENCES IN TEXT

This Act, referred to in text, means Pub. L. 89-669, Oct. 15, 1966, 80 Stat. 927, as amended, which enacted sections 668aa to 668ee, amended sections 460k, 696, 696b, 715c, 715i to 715k, 718d, and repealed sections 715d-1, 715d-2, 715l, 715m of this title. For complete classification of this Act to the Code, see Tables.

The Bankhead-Jones Farm Tenant Act, referred to in par. (5)(B), is act July 22, 1937, ch. 517, 50 Stat. 522, as amended. Title III of the Act is classified generally to subchapter III (§1010 et seq.) of chapter 33 of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 1000 of Title 7 and Tables.

AMENDMENTS

1997—Pub. L. 105-57 inserted section catchline and amended text generally. Prior to amendment, text read as follows:

“(a) The term ‘person’ as used in this Act means any individual, partnership, corporation, or association.

“(b) The terms ‘take’ or ‘taking’ or ‘taken’ as used in this Act mean to pursue, hunt, shoot, capture, collect, kill, or attempt to pursue, hunt, shoot, capture, collect, or kill.

“(c) The terms ‘State’ and the ‘United States’ as used in this Act mean the several States of the United States, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, and Guam.”

§§ 668ff to 668jj. Omitted

Sections, Pub. L. 92-330, June 30, 1972, 86 Stat. 399, which established San Francisco Bay National Wildlife Refuge to be administered by Secretary of the Interior in accordance with the National Wildlife Refuge System Administration Act, have been omitted because of the limited scope of the subject matter. The San Francisco Bay National Wildlife Refuge [now Don Edwards San Francisco Bay National Wildlife Refuge] has been set out in the table of National Wildlife Refuges under section 668dd of this title.

§§ 668kk to 668ss. Omitted

Sections, Pub. L. 94-466, Oct. 8, 1976, 90 Stat. 1992, which established Minnesota Valley National Wildlife Refuge to be administered by Secretary of the Interior in accordance with the National Wildlife Refuge System Administration Act, have been omitted because of the limited scope of the subject matter. The Minnesota National Wildlife Refuge has been set out in the table of National Wildlife Refuges under section 668dd of this title.

CHAPTER 5B—WILDLIFE RESTORATION

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§ 669. Cooperation of Secretary of the Interior with States; conditions

The Secretary of the Interior is authorized to cooperate with the States, through their respective State fish and game departments, in wildlife-restoration projects as hereinafter in this chapter set forth; but no money apportioned under this chapter to any State shall be expended therein until its legislature, or other

State agency authorized by the State constitution to make laws governing the conservation of wildlife, shall have assented to the provision of this chapter and shall have passed laws for the conservation of wildlife which shall include a prohibition against the diversion of license fees paid by hunters for any other purpose than the administration of said State fish and game department, except that, until the final adjournment of the first regular session of the legislature held after September 2, 1937, the assent of the Governor of the State shall be sufficient. The Secretary of the Interior and the State fish and game department of each State accepting the benefits of this chapter, shall agree upon the wildlife-restoration projects to be aided in such State under the terms of this chapter and all projects shall conform to the standards fixed by the Secretary of the Interior.

(Sept. 2, 1937, ch. 899, §1, 50 Stat. 917; 1939 Reorg. Plan No. II, §4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

#### 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.

#### SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106-408, §1(a), Nov. 1, 2000, 114 Stat. 1762, provided that: "This Act [see Tables for classification] may be cited as the 'Fish and Wildlife Programs Improvement and National Wildlife Refuge System Centennial Act of 2000'."

Pub. L. 106-408, title I, §101(a), Nov. 1, 2000, 114 Stat. 1763, provided that: "This title [enacting sections 669h-1, 669h-2, 669k, 742b-1, and 777m of this title, amending sections 669c, 669d, 669g, 669h, 669i, 777c, 777d and 777h of this title and section 9504 of Title 26, Internal Revenue Code, enacting provisions set out as notes under this section and section 777 of this title, and repealing provisions set out as a note under section 777 of this title] may be cited as the 'Wildlife and Sport Fish Restoration Programs Improvement Act of 2000'."

#### SHORT TITLE OF 1970 AMENDMENT

Pub. L. 91-503, title I, §103, Oct. 23, 1970, 84 Stat. 1101, provided that: "This title [amending section 669b and sections 669c to 669g-1 of this title] may be cited as the 'Federal Aid in Wildlife Restoration Act Amendments of 1970'."

#### SHORT TITLE

Act Sept. 2, 1937, ch. 899, §13, as added by Pub. L. 106-408, title I, §101(b), Nov. 1, 2000, 114 Stat. 1763, provided that: "This Act [enacting this chapter] may be cited as the 'Pittman-Robertson Wildlife Restoration Act'."

Act Sept. 2, 1937, ch. 899, as amended, is also popularly known as the "Federal Aid in Wildlife Restoration Act".

#### STATEMENT OF PURPOSE AND DEFINITION IN PUB. L. 106-553

Pub. L. 106-553, §1(a)(2) [title IX, §902(a), (b)], Dec. 21, 2000, 114 Stat. 2762, 2762A-119, provided that:

"(a) PURPOSES.—The purposes of this section [amending sections 669a, 669b, 669c, 669g, and 4406 of this title, and enacting provisions set out as notes under this section] are—

"(1) to extend financial and technical assistance to the States under the Federal Aid to [in] Wildlife Restoration Act [16 U.S.C. 669 et seq.] for the benefit of

a diverse array of wildlife and associated habitats, including species that are not hunted or fished, to fulfill unmet needs of wildlife within the States in recognition of the primary role of the States to conserve all wildlife;

"(2) to assure sound conservation policies through the development, revision, and implementation of a comprehensive wildlife conservation and restoration plan;

"(3) to encourage State fish and wildlife agencies to participate with the Federal Government, other State agencies, wildlife conservation organizations and outdoor recreation and conservation interests through cooperative planning and implementation of this title [enacting section 1356a of Title 43, Public Lands, amending sections 669a, 669b, 669c, 669g, and 4406 of this title, and enacting provisions set out as notes under this section]; and

"(4) to encourage State fish and wildlife agencies to provide for public involvement in the process of development and implementation of a wildlife conservation and restoration program.

"(b) REFERENCE TO LAW.—In this section, the term 'Federal Aid in Wildlife Restoration Act' means the Act of September 2, 1937 (16 U.S.C. 669 et seq.), commonly referred to as the Federal Aid in Wildlife Restoration Act or the Pittman-Robertson Act."

#### INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT

Pub. L. 106-553, §1(a)(2) [title IX, §902(f)], Dec. 21, 2000, 114 Stat. 2762, 2762A-123, provided that: "Coordination with State fish and wildlife agency personnel or with personnel of other State agencies pursuant to the Federal Aid in Wildlife Restoration Act [16 U.S.C. 669 et seq.] or the Federal Aid in Sport Fish Restoration Act [16 U.S.C. 777 et seq.] shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.). Except for the preceding sentence, the provisions of this title [enacting section 1356a of Title 43, Public Lands, amending sections 669a, 669b, 669c, 669g, and 4406 of this title, and enacting provisions set out as notes under this section] relate solely to wildlife conservation and restoration programs and shall not be construed to affect the provisions of the Federal Aid in Wildlife Restoration Act relating to wildlife restoration projects or the provisions of the Federal Aid in Sport Fish Restoration Act relating to fish restoration and management projects."

#### PROHIBITION AGAINST DIVERSION

Pub. L. 106-553, §1(a)(2) [title IX, §902(h)], Dec. 21, 2000, 114 Stat. 2762, 2762A-124, provided that: "No designated State agency shall be eligible to receive matching funds under this title [enacting section 1356a of Title 43, Public Lands, amending sections 669a, 669b, 669c, 669g, and 4406 of this title, and enacting provisions set out as notes under this section] if sources of revenue available to it after January 1, 2000, for conservation of wildlife are diverted for any purpose other than the administration of the designated State agency, it being the intention of Congress that funds available to States under this title be added to revenues from existing State sources and not serve as a substitute for revenues from such sources. Such revenues shall include interest, dividends, or other income earned on the foregoing."

#### DESIGNATION OF PROGRAMS

Pub. L. 106-408, title I, §131, Nov. 1, 2000, 114 Stat. 1775, provided that: "The programs established under the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.) and the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777 et seq.) shall be known as the 'Federal Assistance Program for State Wildlife and Sport Fish Restoration'."

#### § 669a. Definitions

As used in this chapter—